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FACT SHEET
FOR
STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER 02-XX-DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. _____

WASTE DISCHARGE REQUIRMENTS (WDRS)
FOR
STORM WATER DISCHARGES FROM
SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (GENERAL PERMIT)

BACKGROUND

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA added §402(p), which established a framework for regulating storm water discharges under the NPDES Program. Consequently, in 1990, the United States Environmental Protection Agency (U.S. EPA) promulgated regulations for permitting storm water discharges from industrial sites (including construction sites that disturb five acres or more) and from municipal separate storm sewer systems (MS4s) serving a population of 100,000 people or more. These regulations, known as the Phase I regulations, require operators of medium and large MS4s to obtain storm water permits. On December 8, 1999, U.S. EPA promulgated regulations, known as Phase II, requiring permits for storm water discharges from Small MS4s and from construction sites disturbing between 1 and 5 acres of land.

An "MS4" is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) designed or used for collecting or conveying storm water; (ii) which is not a combined sewer; and (iii) which is not part of a Publicly Owned Treatment Works (POTW) as defined at Title 40 of the Code of Federal Regulations (CFR) §122.2.

A "Small MS4" is defined as an MS4 that is not permitted under Phase I regulations. This definition of a Small MS4 applies to MS4s operated within cities and counties as well as governmental facilities that have a system of storm sewers.

Federal regulations allow two permitting options for storm water discharges (individual permits and general permits). The SWRCB elected to adopt a statewide general permit in order to efficiently regulate numerous storm water discharges under a single permit. In certain situations

a storm water discharge may be more appropriately and effectively regulated by an individual permit, a region-specific general permit, or by inclusion in an existing Phase I permit. In these situations, the Regional Water Quality Control Board (RWQCB) Executive Officer (EO) will direct the MS4 operator to submit the appropriate application, in lieu of a Notice of Intent to comply with the terms of this General Permit. In these situations, the individual or regional permits will govern, rather than this General Permit.

ENTITIES SUBJECT TO THIS PERMIT

This General Permit regulates discharges of storm water from "regulated Small MS4s." A "regulated Small MS4" is defined as a Small MS4 that discharges to a water of the U.S. or other MS4 regulated by an NPDES permit and is designated in one of the following ways:

1. Automatically designated by U.S. EPA pursuant to 40 CFR §122.32(a)(1) because it is located within an urbanized area (defined by the Bureau of the Census) (see Attachment 1); or

2. Individually designated by the SWRCB or RWQCB after consideration of the following factors:

   a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.

   b. High growth or growth potential – If an area grew by more than 25% between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25% over a 10-year period ending prior to the end of the first permit term, it has high growth potential.

   c. Significant contributor of pollutants to an interconnected permitted MS4 – A small MS4 is interconnected with a separate permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10% of its storm water to the permitted MS4, or its discharge makes up more than 10% of the other permitted MS4s total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10% threshold is inappropriate for the MS4 in question.

   d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, including groundwater, which are a priority to protect. They include the following:

      - those listed as providing or known to provide habitat for threatened or endangered species;

- those used for recreation that are subject to beach closings or health warnings; or

- those listed as impaired pursuant to CWA §303(d) due to constituents of concern in urban runoff (these include BOD, sediment, pathogenspetroleum hydrocarbons, heavy metals, floatables, PAHs, trash, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be determined by the SWRCB or RWQCB on a case-by-case basis along with the MS4's designation justification.

e. Significant contributor of pollutants to waters of the United States – Specific conditions presented by the MS4 may cause significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

These factors are to be considered when evaluating whether a Small MS4 should be required to implement a storm water program that meets the provisions of this General Permit. An MS4 and the population that it serves need not meet all of the factors to be designated.

These factors were chosen to target MS4s that in general have the potential to impact water quality due to factors influencing discharges into their system or due to where they discharge. Some of the definitions provide "cut-off numbers." Although there is no standard as to which numbers to use, dividing lines must be established in order to effectively use them as criteria.

Specifically, the high growth factor uses 25.7% growth over ten years. The average growth (based on county data from the Census) in California between 1990 and 2000 was 15.8%. The standard deviation was 9.9. Growth rates outside one standard deviation are more than 25.7%. The standard deviation is generally an indication of the spread of data. In defining the high growth factor, the standard deviation was used because it sets the limits within which most areas of California fall. County data was used because it was consistently available whereas 1990 populations for several of the cities and places were not readily available. Additionally, county data gives a broader picture of the growth dynamics in California. Because the data is not normally distributed, 68% of the data points do not necessarily fall within one standard deviation of the mean, however, it does provide a number in which to compare city and place growth rates to the average growth rate of California.

The significant contributor of pollutants to an interconnected permitted MS4 definition uses a value of 10%. This is meant to capture flows that may affect water quality or the permit compliance status of another MS4, but exclude incidental flows between communities.

Attachment 2 lists the cities and counties designated by the SWRCB and RWQCB as regulated Small MS4s at the time of permit adoption.

Certain governmental facilities, specifically state and federal sites, are served by Small MS4s. Cities, counties, and special districts often lack legal authority to regulate federal and state facilities, requiring that these facilities be permitted separately. Federal and state facilities within regulated Small MS4s, or within medium and large MS4s are also regulated Small MS4s if they fall into one of the following categories:

Category 1	• Serves (employee or guest) a daily and/or resident population of ten persons or more, • The facility is the site of outdoor municipal activity,[1] and • The facility is comprised of multiple structures (3 or more), including offices, storage areas, workshops, parking garages, etc.
Category 2	• The facility has a significant potential to cause or contribute to degradation of water quality.

The categories of state and federal MS4s were designed to capture "systems" of conveyances that also have impacts on water bodies, or have an employee or user populations that otherwise may not be targeted for storm water education, especially in the given settings. For example, universities and prisons often have populations that are segmented from the rest of a city yet are the site of municipal activities. Threshold populations are specified to include facilities that actually perform municipal or other activities and are able to maintain an adequate program. It is unlikely that smaller facilities would do so.

Attachment 3 lists the governmental facilities designated as regulated Small MS4s at the time of permit adoption.

NOTIFICATION REQUIREMENTS

As required by 40 CFR §122.33(c)(1) and the Porter-Cologne Water Quality Control Act (Porter-Cologne) §13376, regulated Small MS4s automatically designated by being within an urbanized area must submit to the appropriate RWQCB by March 10, 2003, a Notice of Intent (NOI) (Attachment 4) to comply with the terms of this General Permit, a Storm Water Management Program (SWMP) and a fee.

[1] For purposes of this definition, outdoor municipal activities are those activities conducted outside that are necessary to maintain infrastructure, including upkeep of grounds.

As required by 40 CFR §122.33(c)(2) and Porter-Cologne §13376 regulated Small MS4s designated by the SWCRB or RWQCB must submit to the appropriate RWQCB within 180 days of designation notification or March 10, 2003, whichever is later, an NOI (Attachment 4) to comply with the terms of this General Permit, a SWMP, and a fee.

Regulated Small MS4s relying entirely on Separate Implementing Entities to implement their entire storm water programs are not required to submit a SWMP.

Regulated Small MS4s that fail to obtain coverage under this General Permit will be in violation of the CWA and the Porter-Cologne Water Quality Control Act.

A regulated Small MS4 is considered to be permitted once the NOI has been received by the RWQCB. The MS4 shall then begin implementing its SWMP, however, the RWQCB EO may require refinement upon review of the SWMP if it appears to be an inadequate tool to achieve compliance with this General Permit.

Attachment 5 lists RWQCB contact information for questions and submittals.

GENERAL PERMIT CONDITIONS

Prohibitions

This General Permit prohibits the discharge of materials other than storm water that are not "authorized non-storm water discharges" (see General Permit §E.2.c) or authorized by a separate NPDES permit. This General Permit also incorporates discharge prohibitions contained in statewide and regional water quality control plans (basin plans).

Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act are prohibited.

Effluent Limitations

Permittees must implement Best Management Practices (BMPs) that reduce pollutants in storm water runoff to the technology-based standard of Maximum Extent Practicable (MEP). In accordance with 40 CFR §122.44(k)(2), the inclusion of BMPs in lieu of numeric effluent limitations is appropriate in storm water permits.

Discharges shall not contain reportable quantities of hazardous substance as established at 40 CFR §117.3 or 40 CFR §302.4.

Receiving Water Limitations

Permittees must implement programs that protect water quality. If the Permittee's discharge is causing or contributing to exceedances of water quality standards, the Permittee must propose and implement improved BMPs to prevent ~~such~~ exceedances.

PERMIT REQUIREMENTS

This General Permit requires regulated Small MS4s to:

1. Develop and implement a SWMP that ~~describes~~ BMPs, measurable goals, and timetables for implementation in the following six program areas (Minimum Control Measures):

   Public Education

   The Permittee must ~~educate the~~ public ~~in its permitted~~ jurisdiction about the importance of the storm water program and the public's role in the program.

   Public Participation

   The Permittee must involve the public in the continual development and refinement of the SWMP, allow for input on the Minimum Control Measures, and encourage public participation in implementing the Minimum Control Measures. The Permittee must make copies of the General Permit and SWMP available to the public for review.

   Illicit Discharge Detection and Elimination

   The Permittee must adopt and enforce ordinances or take equivalent measures that prohibit illicit discharges. The Permittee must also implement a program to detect illicit discharges, such as discharge screening and facility inspections.

   Construction Site Storm Water Runoff Control

   The Permittee must develop a program to control the discharge of pollutants from construction sites greater than or equal to one acre in size within its permitted jurisdiction. The program must include inspections of construction sites and enforcement actions against violators.

   Post Construction Storm Water Management

   The Permittee must require long term BMPs that protect water quality and control runoff flow, to be incorporated into development and significant redevelopment projects, such as those detailed in Attachment 6.

   Pollution Prevention/Good Housekeeping for Municipal Operations

   The Permittee must examine its own activities and develop a program to prevent the discharge of pollutants from these activities. At a minimum, the program should

educate staff on pollution prevention, minimize pollutant sources, and utilize structural BMPs to keep pollutants out of storm water runoff.

2. Reduce its discharge of pollutants to the MEP.

3. Perform inspections and monitoring.

Storm Water Management Program (SWMP)

The SWMP must describe how pollutants in storm water runoff will be controlled and explain the BMPs that address the six Minimum Control Measures that will do this. Each BMP must have accompanying measurable goals to be achieved during the permit term as a means of determining program compliance and accomplishments, and as an indicator of potential program effectiveness. The measurable goals should be definable tasks such as number of outreach presentations to make, number of radio spots to purchase, or percentage of pollutant loading to reduce (other examples of measurable goals can be found on U.S. EPA's web-site at http://www.epa.gov/npdes/stormwater/measurablegoals/index.htm). This approach provides the flexibility to target an MS4's problem areas while working within the existing organization.

The Minimum Control Measures emphasize working with the public to prevent pollution during everyday activities as well as gaining support for funding the program. The MS4 has the flexibility to target specific segments of their residential or employee population in ways that are most appropriate for that particular segment. Taken together, the suite of public education approaches an MS4 takes should create a robust multimedia campaign that has a single message, which is threaded throughout the community through implementation of BMPs in the six program areas. This is exemplified by emphasis on post-construction measures. Post-construction controls target the problems associated with increasing the impervious area that usually accompanies development. By considering water quality during the design phase of a project, source control BMPs and treatment BMPs can more efficiently be incorporated into projects to combat the problems of polluted runoff. Along with construction site controls, storm water is considered and its pollutant impacts reduced during design, construction, and long-term use of the project.

For links to information on how to implement each of the Minimum Control Measures, including sample ordinances that address the respective Minimum Control Measures, please see SWRCB's internet site at http://www.swrcb.ca.gov/stormwtr/municipal.html. Additionally, U.S. EPA's internet site at http://cfpub1.epa.gov/npdes/stormwater/swphase2.cfm?program_id=6 provides examples of BMPs and associated measurable goals.

Maximum Extent Practicable (MEP)

MEP is the technology-based standard established by Congress in CWA §402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control BMPs as the first lines of defense in combination with

treatment methods where appropriate serving as additional lines of defense. The MEP approach is an ever evolving, flexible and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. The individual and collective activities elucidated in the MS4's SWMP becomes its proposal for reducing or eliminating pollutants in storm water to the MEP. The way in which MEP is met may vary between communities.

Generally, in order to meet MEP, communities that present greater water quality impacts must put forth a greater level of effort. Alternatively, for similar water quality conditions, communities should put forth an equivalent level of effort. However, because larger communities have greater resources (both financial resources as well as existing related programs that can help in implementing storm water quality programs), it may appear that they have more robust storm water programs.

For example, specific post-construction design standards (similar to the Design Standards outlined in Attachment 6) were determined to be MEP for large and medium MS4s (see SWRCB Order WQ 2000-11). Consequently, a regulated Small MS4 that is very similar to a large or medium MS4 would need to establish post-construction requirements such as the Design Standards in Attachment 6. Additionally, communities with an abundance of construction (high growth), would be most efficiently served by establishing post-construction requirements such as the Design Standards in Attachment 6. On the other hand, establishing such prescriptive requirements in relatively stable, smaller communities may not result in water quality benefits proportional to the effort, especially in the program's early development.

Inspections and Monitoring

Inspections and monitoring on multiple levels is important to a storm water program. Visual inspections and monitoring of storm water runoff and infrastructure (such as drop inlets, basins, and gutters) can say a lot about the effectiveness and needs of a storm water program. Through visual inspections and monitoring non-storm water discharges can be discovered and subsequently stopped, maintenance needs can be identified, and visual pollutants and erosion problems can be detected. Inspections of facilities are also important for public education and outreach, to ensure proper BMP implementation and maintenance at businesses and at municipal sites, and to detect non-storm water discharges. Additionally, chemical monitoring can be used to involve the public through citizen monitoring groups, detect pollutants, identify and target pollutants of concern, illustrate water quality improvements and permit compliance, and participate in total maximum daily load development and implementation.

Termination of Coverage

A Permittee may terminate coverage if a new operator has assumed responsibility for the regulated Small MS4, or the Permittee has ceased operation of its MS4. To terminate coverage, the Permittee must submit to the RWQCB a written request for permit termination.

Reliance on a Separate Implementing Entity (SIE)

A Permittee can rely on a separate entity to implement one or more of the six Minimum Control Measures, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. To do this, both entities must agree to the arrangement and the Permittee must comply with the applicable parts of the SIE's program. The arrangement is subject to the approval of the RWQCB EO.

The Permittee remains responsible for compliance with these permit obligations if the SIE fails to implement the control measure (or component thereof). Therefore, the entities are encouraged to enter into a legally binding agreement to minimize any uncertainty about compliance with the permit.

If the Permittee relies on an SIE to implement all six Minimum Control Measures and the SIE also has a storm water permit, the Permittee relying on the SIE must still submit an NOI, fee, and certification of the arrangement. However, the Permittee is not required to submit a SWMP or annual reports, unless otherwise requested by the RWQCB EO. The arrangement is subject to the approval of the EO of the appropriate RWQCB.

For example, Sutter's Fort in downtown Sacramento (Sacramento is permitted as a large MS4) has more than three structures, maintains the infrastructure on the one-city-block park, and averages more than 10 visitors and employees per day when open. This would be a regulated Small MS4. Under an SIE arrangement, the Park would meet with the city of Sacramento's storm water manager to discuss the City's SWMP, such as illicit discharges, public education, and good housekeeping. By completing and submitting the SIE form along with the NOI, the Park is agreeing to follow Sacramento's storm water ordinances and participate in the applicable areas. The Park would not prepare a SWMP or annual reports but it must make its employees aware of the arrangement. If the Park violate provisions of Sacramento's program, by making illicit discharges for example, the Park would be in violation of its permit and subject to the penalties provided in the CWA.

Discharges from Offsite Facilities

Some regulated Small MS4s have offsite facilities that discharge storm water. An offsite facility is a geographically non-adjacent or discontinuous site that is a result of, or secondary to the primary facility. Storm water discharges from an offsite facility must be permitted if it meets the definition of a regulated Small MS4 itself. If the SWMP of the primary facility addresses the offsite facility, the permitted area of the primary facility may include this offsite area.

A facility is not considered offsite if it operates independently of another facility. In this case, two separate NOIs must be submitted, if they both meet the definition of a regulated Small MS4. For example, a public university may have an offsite lab that would not be in operation if the university were closed. However, Sutter's Fort would not be an offsite facility of the Folsom State Recreation Area, though they are both owned by the California Department of Parks and Recreation, because operation of one does not affect the operation of the other.

Monitoring and Reporting Requirements

The Permittee must monitor and track its program to ensure BMP effectiveness and must conform to other monitoring requirements that may be imposed by the RWQCB.

The Permittee is required to submit annual reports to the appropriate RWQCB by August 15th of each year (first to be submitted in 2004), or as otherwise required by the RWQCB EO. Annual reports must demonstrate that the permittee is controlling the discharge of pollutants in storm water to the MEP by summarizing the activities performed throughout the reporting period (July 1 through June 31). The report shall include the status of the proposed measurable goals, an evaluation of the program's effectiveness and any variances or changes to the SWMP necessary to improve performance.

Governmental Facilities

Governmental regulated Small MS4s possess a number of characteristics that set them apart from their municipal counterparts. These unique characteristics might lead governmental MS4 operators to question either the need to implement the entire suite of minimum control measures or their ability to comply fully with their Phase II storm water permit. In meeting the six Minimum Control Measures, a facility's employee population may serve as "the public" to target for outreach and involvement, and the facility may use policies in lieu of ordinances. Additionally, if the facility is "built out," the operator may certify that at the current time, no construction or redevelopment disturbing more than one acre is anticipated but if construction status changes, a program will be developed. If such a statement is made and construction occurs without adequate storm water considerations during design and construction, including consultation with the appropriate RWQCB, the operator will be in violation of this General Permit. Responsibility for developing a storm water program that comprises the minimum measures lies with the operator of the Federal or State MS4.

Retention of Records

The Permittee is required to retain records of all monitoring information and copies of all reports required by this General Permit for a period of at least five years from the date generated. This period may be extended by request of the SWRCB or RWQCB.

Role of the RWQCBs

The RWQCBs and their staff will oversee this General Permit by reviewing and requiring modification to SWMPs and other submissions, imposing region-specific monitoring requirements, reviewing reports, conducting inspections, and taking enforcement actions against permit violators. They may also issue individual permits to regulated Small MS4s, and general permits to categories of regulated Small MS4s. Upon issuance of such permits by an RWQCB, this General Permit shall no longer regulate the affected Small MS4s.

STATE WATER RESOURCES CONTROL BOARD (SWRCB)
WATER QUALITY ORDER NO. 02 - XX - DWQ
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. CAS00000X

WASTE DISCHARGE REQUIREMENTS (WDRs)
FOR
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) (GENERAL PERMIT)

The SWRCB finds that:

1. Urban runoff is a leading cause of pollution throughout California.

2. Pollutants of concern found in urban runoff include sediments, non-sediment solids, nutrients, pathogens, oxygen-demanding substances, petroleum hydrocarbons, heavy metals, floatables, polycyclic aromatic hydrocarbons (PAHs), trash, and pesticides and herbicides.

3. During urban development two important changes occur. First, where no urban development has previously occurred, natural vegetated pervious ground cover is converted to impervious surfaces such as paved highways, streets, rooftops, and parking lots. Natural vegetated soil can both absorb rainwater and remove pollutants providing a very effective purification process. Because pavement and concrete can neither absorb water nor remove pollutants, the natural purification characteristics of the land are lost. Second, urban development creates new pollution sources as human population density increases and brings with it proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage, pesticides, household hazardous wastes, pet wastes, trash, etc., which can be washed into the MS4. As a result of these two changes, the runoff leaving a newly developed urban area may be significantly greater in volume, velocity, and/or pollutant load than pre-development runoff from the same area.

4. A higher percentage of impervious area correlates to a greater pollutant loading, resulting in turbid water, nutrient enrichment, bacterial contamination, organic matter loads, toxic compounds, temperature increases, and increases of trash or debris.

5. Pollutants present in storm water can have damaging effects on both human health and aquatic ecosystems. In addition, the increased flows and volumes of storm water discharged from new impervious surfaces resulting from new development and redevelopment can significantly impact beneficial uses of aquatic ecosystems due to physical modifications of water courses, such as bank erosion and widening of channels.

6. When water quality impacts are considered during the planning stages of a project, new development and many redevelopment projects can more efficiently incorporate measures to protect water quality.

7. On December 8, 1999, EPA promulgated regulations under authority of the Clean Water Act (CWA) §402(p)(6). These regulations require the SWRCB to issue NPDES storm water permits to operators of small municipal separate storm sewer systems (Small MS4s).

8. The purpose of regulating a municipality's storm water discharge is to make that municipality accountable for what it is discharging through its storm sewer system if that discharge is likely to impact receiving water or another permitted municipality.

9. Of these Small MS4s, only "regulated Small MS4s" must obtain a permit. 40 CFR §122.32(a) defines regulated Small MS4s as those Small MS4s located within an urbanized area as determined by the latest Decennial Census by the Bureau of the Census (Attachment 1) or those that are designated by the permitting authority in accordance with designation criteria.

10. 40 CFR §123.35(b) requires the SWRCB to develop a process, as well as criteria, to designate Small MS4s as regulated Small MS4s.

11. In developing the designation criteria, factors were chosen to include parameters that may affect water quality. The following criteria will be considered in designating municipalities as regulated small MS4s.

    a. High population density – High population density means an area with greater than 1,000 residents per square mile. Also to be considered in this definition is a high density created by a non-residential population, such as tourists or commuters.

    b. High growth or growth potential – If an area grew by more than 25.7% between 1990 and 2000, it is a high growth area. If an area anticipates a growth rate of more than 25.7% over a 10-year period ending prior to the end of the first permit term, it has high growth potential.

    c. Significant contributor of pollutants to an interconnected permitted MS4 – A Small MS4 is interconnected with a separately permitted MS4 if storm water that has entered the Small MS4 is allowed to flow directly into a permitted MS4. In general, if the Small MS4 discharges more than 10% of its storm water to the permitted MS4, or its discharge makes up more than 10% of the other permitted MS4's total storm water volume, it is a significant contributor of pollutants to the permitted MS4. In specific cases, the MS4s involved or third parties may show that the 10% threshold is inappropriate for the MS4 in question.

d. Discharge to sensitive water bodies – Sensitive water bodies are receiving waters, including groundwater, which are a priority to protect. They include the following:

- those listed as providing or known to provide habitat for threatened or endangered species;
- those used for recreation that are subject to beach closings or health warnings; or
- those listed as ~~impaired pursuant to~~ Clean Water Act Section 303(d) due to constituents of concern in urban runoff (these include BOD, sediment, pathogens, oil and grease, and other constituents that are found in the MS4 discharge).

Additional criteria to qualify as a sensitive water body may exist and may be determined by the SWRCB or RWQCB on a case-by-case basis along with the MS4's designation justification.

e. Significant contributor of pollutants to waters of the United States – Specific conditions presented by the MS4 may cause significant pollutant loading to waters of the U.S. that are otherwise unregulated or inadequately regulated. An example of such a condition may be the presence of a large transportation industry.

Attachment 2 lists the municipalities designated as regulated Small MS4s by the state at the time of permit adoption.

12. Governmental facilities with ~~multiple~~ structures ~~often~~ operate storm sewers that discharge the same types of pollutants that are associated with urban runoff discharged through city and county MS4s. The SWRCB has defined governmental facilities that meet one of the following categories as operating a Small MS4:

a. The facility serves a resident or ~~daily population~~ of ten persons or more, the facility is the site of outdoor municipal activity[2], and the facility is comprised of multiple structures (3 or more) including offices, storage areas, workshops, parking garages, etc; or

b. The facility has a ~~significant~~ potential to cause or contribute to degradation of water quality.

[2] For purposes of this definition, outdoor municipal activities are those activities conducted outside that are necessary to maintain infrastructure, including upkeep of grounds.

13. Governmental Small MS4s that are located within or discharge to an urbanized area or other Small, medium or large permitted MS4s are considered regulated Small MS4s. Attachment 3 lists state and federal regulated Small MS4s.

14. This General Permit requires regulated Small MS4s (Permittees) to develop and implement a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) and to protect water quality.

15. The MEP standard is an ever evolving, flexible and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. Permittees can satisfy the requirements through effective implementation of a SWMP, which must contain Best Management Practices (BMPs) that address six minimum control measures (MCMs). The Permittees' SWMPs must incorporate measurable goals, or Performance Standards, and time schedule of implementation.

16. Controlling storm water pollution to MEP in order to protect beneficial uses requires continuous review and improvement, which includes seeking new opportunities. To do this, the Permittee must, on a continuous basis, conduct and document evaluation of each relevant element of its program and revise activities, control measures, BMPs, and measurable goals, as necessary to meet MEP.

17. The purpose of the annual performance review is to evaluate the Permittee's SWMP effectiveness, the implementation of the SWMP and its Measurable Goals, and continuous improvement opportunities.

18. To obtain authorization for storm water discharges to surface waters pursuant to this General Permit, the regulated Small MS4 must submit to the appropriate California Regional Water Quality Control Board (RWQCB), a Notice of Intent to comply with the terms of this General Permit (NOI), fee (in accordance with the instructions attached to the NOI), and SWMP. Regulated Small MS4s relying entirely on Separate Implementing Entities to implement their entire programs are not required to submit a SWMP. Attachment 5 gives contact information for each RWQCB.

19. Each Permittee is individually responsible for adoption and enforcement of ordinances and policies, implementation of assigned control measures, BMPs, the right of entry/inspection needed to prevent or reduce pollutants in storm water, and for providing funds for the capital, operation and maintenance, and enforcement expenditures necessary to implement and enforce such control measures/BMPs within its jurisdiction. Enforcement actions concerning this General Permit will be pursued only against the individual Permittee responsible for specific violations of this General Permit.

20. In accordance with 40 CFR §122.28(b)(3), a RWQCB may issue an individual MS4 NPDES Permit to a regulated Small MS4 otherwise subject to this General Permit, or

adopt an alternative general permit that covers storm water discharges regulated by this General Permit. The applicability of this General Permit is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit.

21. Certain BMPs implemented or required by Permittees for urban runoff management may create a habitat for vectors (e.g., mosquitoes and rodents) if not properly designed or maintained. Close collaboration and cooperative effort between the Permittees, local vector control agencies, RWQCB staff, and the State Department of Health Services is necessary to identify and implement appropriate vector control measures that minimize potential nuisances and public health impacts resulting from vector breeding.

22. This NPDES Permit is consistent with the anti-degradation policies of 40 CFR §131.12, SWRCB Resolution 68-16, and the RWQCBs' individual Basin Plans. Implementing storm water quality programs that address the six Minimum Control Measures in previously unregulated areas will decrease the pollutant loading to the receiving waters and improve water quality.

23. Following public notice in accordance with State and federal laws and regulations, the SWRCB, in a public meeting on _____ heard and considered all comments. The SWRCB has prepared written responses to all significant comments.

24. This action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21100, et seq.) in accordance with section 13389 of the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code).

25. This NPDES permit is in compliance with Section 402 of the CWA and shall take effect 100 days after adoption by the SWRCB. Once in effect, the RWQCBs shall enforce the provisions herein.

IT IS HEREBY ORDERED that operators of Small MS4s subject to this General Permit shall comply with the following:

A. APPLICATION REQUIREMENTS

1. Deadlines for Notification

a. By March 10, 2003, all regulated Small MS4s automatically designated (see Attachments 1 and 3), must either apply for coverage under this General Permit, submit an application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(1)).

b. Within 180 days of notice, or March 10, 2003, whichever is later, a Small MS4 designated according to Finding 10 above (see Attachments 2 and 3), must either apply for coverage under this General Permit, submit an application for an individual or alternative general Small MS4 permit, or submit a joint application for modification of an existing large or medium MS4 permit (40 CFR §122.33(c)(2)).

2. General Permit Application

To obtain coverage under this General Permit, submit to the appropriate RWQCB a completed Notice of Intent (NOI) (Attachment 4), a SWMP, and appropriate fee. The SWMP shall meet all the requirements of Section E of this General Permit. Regulated Small MS4s relying entirely on Separate Implementing Entities that are permitted under the NPDES program to implement all six Minimum Control Measures are not required to submit a SWMP.

B. DISCHARGE PROHIBITIONS

1. Discharges of waste that are prohibited by Statewide or applicable Regional Water Quality Control Plans (Basin Plans) are prohibited.

2. Discharges from the MS4s regulated under this permit that cause or threaten to cause pollution, contamination, or nuisance are prohibited.

3. Discharges of material other than storm water to waters of the United States or another permitted MS4 are prohibited, except as allowed under Provision E.2.c, or as otherwise authorized by a separate NPDES permit.

4. Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act or result in the adverse modification or destruction of habitat that is designated as critical under the Endangered Species Act are prohibited.

C. EFFLUENT LIMITATIONS

1. Permittees must implement BMPs that reduce pollutants in storm water to the technology-based standard of MEP. In accordance with 40 CFR §122.44(k)(2), the inclusion of BMPs in lieu of numeric effluent limitations is appropriate in storm water permits.

2. Storm water discharges regulated by this General Permit shall not contain a hazardous substance in amounts equal to or in excess of a reportable quantity listed in 40 CFR Part 117 or 40 CFR Part 302.

D. RECEIVING WATER LIMITATIONS

1. Discharges shall not cause or contribute to an exceedance of water quality standards contained in a Statewide water quality control plan or applicable Basin Plan.

2. The Permittee shall comply with Discharge Prohibition B.2 and Receiving Water Limitation D.1 through timely implementation of control measures and other actions to reduce pollutants in the discharges in accordance with the SWMP and other requirements of this permit including any modifications. The SWMP shall be designed to achieve compliance with Discharge Prohibition B.2 and Receiving Water Limitation D.1. If exceedance(s) of water quality objectives or water quality standards (collectively, WQS) persist notwithstanding implementation of the SWMP and other requirements of this permit, the Permittee shall assure compliance with Discharge Prohibition B.2 and Receiving Water Limitation D.1 by complying with the following procedure:

   a. Upon a determination by either the Permittee or the RWQCB that discharges are causing or contributing to an exceedance of an applicable water quality standard, the Permittee shall promptly notify and thereafter submit a report to the RWQCB that describes BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report may be incorporated in the annual update to the SWMP unless the RWQCB directs an earlier submittal. The report shall include an implementation schedule. The RWQCB may require modifications to the report.

   b. Submit any modifications to the report required by the RWQCB within 30 days of notification.

   c. Within 30 days following approval of the report, described above, by the RWQCB EO, the Permittee shall revise the SWMP and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, implementation schedule, and any additional monitoring required.

   d. Implement the revised SWMP and monitoring program in accordance with the approved schedule.

   So long as the Permittee has complied with the procedures set forth above and is implementing the revised SWMP, the Permittee does not have to repeat the same procedure for continuing or recurring exceedances of the same receiving water limitations unless directed by the RWQCB to develop additional BMPs.

E. STORM WATER MANAGEMENT PROGRAM REQUIREMENTS

The Permittee shall maintain, implement, and enforce an effective SWMP, and develop adequate legal authority to implement and enforce the SWMP, including right of entry/inspection, designed to reduce the discharge of pollutants from the regulated Small MS4 to the MEP and to protect water quality. The SWMP shall serve as the framework for identification, assignment, and implementation of control measures/BMPs. The Permittee shall implement the SWMP, and shall, through its continuous improvement process[3], subsequently demonstrate its effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in storm water discharges to MEP.

The SWMP shall be revised to adopt and incorporate any new measurable goals developed by the Permittee or any revised measurable goals identified through the Permittee's continuous improvement process. Measurable goals shall be developed or revised through a process which includes opportunities for public participation and includes appropriate external technical input and criteria for the applicability, economic feasibility, cost effectiveness, design, operation and maintenance, and include measures for evaluation of effectiveness or otherwise implementation of a control measure or best management practice so as to achieve pollutant reduction or pollution prevention benefits to MEP. The Permittee shall incorporate newly developed or updated measurable goals, acceptable to the RWQCB EO, into applicable annual revisions to the SWMP and adhere to its implementation.

1. The Permittee shall maintain, implement, and enforce an effective SWMP designed to reduce the discharge of pollutants from the regulated Small MS4 to the MEP and to protect water quality.

2. The SWMP must describe the BMPs, and associated measurable goals, that will fulfill the requirements of the following six Minimum Control Measures.

   a. **Public Education and Outreach on Storm Water Impacts**
   The Permittee must develop a public education program that educates the public on the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff. For State and federal regulated Small MS4, a facility's employee population may serve as "the public" to target for outreach and involvement.

[3] Continuous Improvement shall be defined as seeking new opportunities for improving the SWMP, controlling storm water pollution, and, protecting beneficial uses. In proposing and achieving measurable goals consideration must be given to the fact that "Maximum Extent Practicable" (MEP) is an ever evolving, flexible and advancing concept. As knowledge about controlling urban runoff continues to evolve so does the definition of MEP.

State and federal facilities that discharge into medium and large MS4 may integrate public education and outreach program with the existing MS4 public education and outreach programs.

b. **Public Involvement/Participation**
The Permittee must develop a program that encourages the public to be involved in the storm water program. The Public Involvement/Participation program must, at a minimum:

1) Comply with State and local public notice requirements when developing, implementing, and modifying the SWMP;

2) Involve the public in the continuing development and refinement of the SWMP;

3) Encourage public participation in implementing the SWMP;

4) Allow the public to review the permit and SWMP; and

5) Include a procedure to receive and respond to comments from the public regarding the SWMP.

c. **Illicit Discharge Detection and Elimination**
The Permittee must develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR §122.26(b)(2)) into the regulated Small MS4. ~~At a minimum~~, the Permittee must:

1) Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and locations of all waters of the state and other MS4s that receive discharges from those outfalls;

2) Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system that are not authorized by a separate NPDES permit;

3) Inform public employees, businesses, and the general public of hazards including human and environmental health risks associated with illegal discharges and improper disposal of waste; and

4) Adopt an ~~ordinance, policy, or other~~ regulatory mechanism, to prohibit non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions, including conducting manufacturing and commercial facility inspections, to the extent allowable under federal, state or local law.

In carrying out the Illicit Discharge Detection and Elimination Program the following non-storm water discharges must only be addressed if the regulated Small MS4 or RWQCB EO identifies them as significant contributors of pollutants to the regulated Small MS4 or pose a threat to water quality standards (including the beneficial uses designated in a Water Quality Control Plan):

1) water line flushing;
2) landscape irrigation that is not reclaimed treated wastewater;
3) diverted stream flows;
4) rising ground waters;
5) uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)) to separate storm sewers;
6) uncontaminated pumped ground water;
7) discharges from potable water sources;
8) foundation drains;
9) air conditioning condensate;
10) irrigation water that is not reclaimed treated wastewater;
11) springs;
12) water from crawl space pumps;
13) footing drains;
14) lawn watering that is not reclaimed treated wastewater;
15) individual residential car washing;
16) flows from riparian habitats and wetlands;
17) dechlorinated swimming pool discharges; and
18) discharges or flows from emergency fire fighting activities.

If a RWQCB EO determines that any individual or class of non-storm water discharge(s) listed above may be a significant source of pollutants to waters of the United States, pose a threat to water quality standards (beneficial uses) or physically interconnected MS4, the RWQCB EO may require the appropriate regulated Small MS4(s) to monitor and submit a report, and to implement BMPs on the discharge.

There may be instances when BMPs are appropriate for fire fighting flows.

d. **Construction Site Storm Water Runoff Control**

The Permittee must develop, implement, and enforce a program to ensure controls are in place that will prevent or minimize water quality impacts from storm water runoff from construction sites. Within the permit area, the program must apply to all construction projects that disturbs greater than or equal to one acre (including projects less than one acre that are part of a larger common plan of development or sale that would disturb more than

one acre) and that discharges into the Permittee's Small MS4. At a minimum, the Permittee must:

1) Adopt, maintain, and enforce an ordinance, policy, or other regulatory mechanism to require erosion and sediment controls at the construction sites, as well as sanctions to ensure compliance, to the extent allowable under federal, state or local law;

2) Require construction site operators to implement appropriate and effective erosion and sediment control BMPs that utilize Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution;

3) Require construction site operators to control all pollutant sources at the construction site that may cause adverse impacts to water quality, including, but not limited to, construction materials and waste discarded building materials, concrete truck washout, chemicals, fuel, litter, and sanitary waste;

4) Implement procedures for pre-construction site plan and BMP review, that incorporate consideration of potential water quality impacts from construction activities;

5) Implement procedures for receipt of and response to information submitted by the public regarding storm water runoff impacts due to construction projects; and

6) Implement procedures for site inspections and enforcement of control measures.

e. **Post-Construction Storm Water Management in New Development and Redevelopment**

The Permittee must develop, implement, and enforce a program to minimize the long term impacts of storm water runoff from new development and redevelopment projects within the permit area that disturb at least one acre (including projects disturbing less than one acre that are part of a larger common plan of development or sale that would disturb more than one acre). The program must ensure that long-term BMPs that prevent or minimize water quality impacts, are incorporated into the design of these projects. At a minimum, the program must:

1) Develop and implement strategies which include a combination of structural and/or non-structural best management practices appropriate for your community, and

2) Adopt and enforce an ordinance, policy, or other regulatory mechanism that requires projects include the incorporation, and long-term operation and maintenance of appropriate long-term BMPs.

The long-term BMPs shall reduce impacts to water quality and beneficial uses of receiving waters. The strategies employed by the MS4 must reflect the conditions of the MS4, including size, receiving waters, and amount of anticipated construction. Attachment 6 outlines an example of long-term BMPs that an MS4 may require to be incorporated into development and redevelopment projects as applicable.

Regulated small MS4s that have a population of 50,000 or more; or planned growth of more than 25 per cent over the next 10 years, must implement the design standards outlined in Attachment 6.

f. **Pollution Prevention/Good Housekeeping for Municipal Operations**
The Permittee must develop and implement an operations and maintenance program that will prevent or reduce pollutants in runoff from municipal operations. At a minimum, the Permittee must:

1) Consider all municipal activities and identify those that may contribute pollutants to storm water, such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, storm water system maintenance, flood management, and pesticide and herbicide use;

2) Select and implement BMPs which will reduce or eliminate the pollutant contributions from these activities to the MEP; and

3) Train new and existing employees about the impacts of storm water pollution from municipal activities and how to implement the BMPs selected to prevent and reduce these impacts.

The Permittees' SWMPs must contain local strategies for urban runoff control, including tailored measurable goals, workplans to implement measurable goals, and BMPs and Standard Operating Procedures that detail how BMPs will be carried out day-to-day.

3. The SWMP must identify the measurable goals, or Performance Standards, for each of the BMPs, including, as appropriate, the months and years for scheduled actions, including interim milestones and the frequency of the action.

4. The SWMP must identify the person or persons who will implement or coordinate the SWMP, as well as each Minimum Control Measure.

5. Termination of coverage

A Permittee may terminate coverage if a new operator has assumed responsibility for the MS4, or the Permittee has ceased operation of the MS4. To terminate coverage, the Permittee must submit a written request to the RWQCB.

6. Reliance On a Separate Implementing Entity (SIE)

The Permittee may rely on a SIE to satisfy one or more of the permit obligations, if the separate entity can appropriately and adequately address the storm water issues of the Permittee. The Permittee must describe the arrangement in the SWMP and the arrangement is subject to the approval of the RWQCB EO. The other entity must agree to implement the control measure(s), or components thereof, to achieve compliance with the General Permit. The Permittee remains responsible for compliance with this General Permit if the SIE fails to implement the control measures(s).

If the Permittee relies on a SIE that is permitted to discharge storm water under CFR Part 122 to implement all six of the Minimum Control Measures, the Permittee must note this fact in the NOI but is not required to maintain a SWMP or submit annual reports.

7. The Permittee must develop and maintain adequate legal authorities to implement all provisions of the SWMP.

8. Major outfalls not identified in the SWMP, but constructed during the term of this Order to receiving waters identified herein, shall not be considered a material change in character, location, or volume of the permitted discharge, and shall be allowed under the terms of this General Permit without permit application or permit modification, provided at least 90 days prior to construction of the outfall the Permittee submits a report that includes:

   a. Receiving water name;

   b. Storm sewer system map of added area;

   c. Drainage area (in acres);

   d. Land use designation; and

   e. Certification that the SWMP shall be amended to include the drainage area.

9. The Permittee must maintain adequate funding and staffing to implement and manage the provisions of the SWMP.

F. MONITORING PROGRAM AND REPORTING REQUIREMENTS

1. Monitoring

The primary objectives of the Monitoring Program include, but are not limited to:

- Assessing compliance with this Order;
- Measuring and improving the effectiveness of the SQMPs;
- Assessing the chemical, physical, and biological impacts of receiving waters resulting from urban runoff;
- Characterization of storm water discharges;
- Identifying sources of pollutants; and
- Assessing the overall health and evaluating long-term trends in receiving water quality.

The Regional Board may require Permittees to implement the Monitoring Program as follows:

a. The Permittee must, on a continuous basis, conduct and document evaluation of each relevant element of its program and revise activities, control measures, BMPs, and measurable goals. These changes will be documented in the Annual Report and will be considered an enforceable component of this General Permit.

b. The Permittee must evaluate program compliance, the appropriateness of the identified BMPs, and progress towards achieving the identified measurable goals. The following areas will be evaluated and documented in the Annual Report:

1) Overall SWMP effectiveness;
2) Measurable goal improvements;
3) Permittee's coordination and implementation of watershed-based management ~~actions~~ (e.g., flood management, new development and construction, industrial source controls, public education and outreach, public involvement and participation, and monitoring);
4) Partnership opportunities with other storm water programs; and
5) Consistency in meeting MEP measures identified in the SWMP and with other regional, statewide, and national municipal storm water management programs.

c. The Permittee must perform any additional monitoring as directed by the RWQCB to meet the Monitoring Program Objectives.

2. Reporting

The Permittee must submit annual reports to the appropriate RWQCB by August 15th of each year (first to be submitted in 2004), or as otherwise required by the RWQCB EO, unless exempted under Provision E.6. The report shall summarize the activities performed throughout the reporting period (July 1 through June 30) and must include:

a. The status of compliance with permit conditions, an assessment of the appropriateness of the identified BMPs, progress towards achieving the identified measurable goals, an effectiveness evaluation, and achieving MEP for each of the Minimum Control Measures;

b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;

c. A summary of the storm water activities the Permittee plans to undertake during the next reporting cycle;

d. A change in any identified BMPs or measurable goals that apply to the program elements with a justification of why the change is necessary; and

e. A change in the person or persons implementing and coordinating the SWMP.

3. Recordkeeping

The Permittee must keep records required by this permit for at least five years or the duration of the General Permit if continued. The RWQCB EO may specify a longer time for record retention. The Permittee must submit the records to the RWQCB EO only when specifically asked to do so. The Permittee must make the records, including the permit and SWMP, available to the public during regular business hours.

4. Noncompliance Reporting

Permittees who cannot certify compliance and/or who have had other instances of noncompliance shall notify the appropriate RWQCB within 30 days. The notifications shall identify the noncompliance event and an initial assessment of

any impact caused by the event, describe the actions necessary to achieve compliance, and include a time schedule indicating when compliance will be achieved. The time schedule and corrective measures are subject to modification by the RWQCB EO.

G. REGIONAL WATER QUALITY CONTROL BOARD AUTHORITIES

The RWQCBs and their staff will oversee the General Permit by reviewing and requiring changes to SWMPs and other submissions, imposing region-specific monitoring requirements, reviewing reports, conducting inspections, and taking enforcement actions against permit violators.

H. STANDARD PROVISIONS

1. General Authority

Three of the minimum control measures (illicit discharge detection and elimination, and the two construction-related measures) require enforceable controls on third party activities to ensure successful implementation of the measure. Some Federal and State operators, however, may not have the necessary legal regulatory authority to adopt these enforceable controls. As in the case of local governments that lack such authority, State and Federal MS4s are expected to utilize the authority they do possess and to seek cooperative arrangements.

2. Duty to Comply

The Permittee must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne) and is grounds for enforcement action and/or removal from General Permit coverage. In the event that the Permittee is removed from coverage under the General Permit, the Permittee will be required to seek coverage under an individual or alternative general permit.

1. General Permit Actions

This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not nullify any General Permit condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under §307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the

pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and Permittee so notified.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

3. Duty to Mitigate

The Permittee shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit that has a reasonable likelihood of adversely affecting human health or the environment.

4. Proper Operation and Maintenance

The Permittee shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this General Permit and with the requirements of the SWMP. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by the Permittee when necessary to achieve compliance with the conditions of this General Permit.

5. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of federal, State, or local laws or regulations.

6. Duty to Provide Information

The Permittee shall furnish the RWQCB, SWRCB, or U.S. EPA,during normal business hours, any requested information to determine compliance with this General Permit. The Permittee shall also furnish, upon request, copies of records required to be kept by this General Permit.

8. Inspection and Entry

The Permittee shall allow the RWQCB, SWRCB, U.S. EPA, or an authorized representative of the RWQCB, SWRCB, or U.S. EPA, upon the presentation of credentials and other documents as may be required by law, to:

a. Enter upon the Permittee's premises during normal business hours where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Access and copy, during normal business hours, any records that must be kept under the conditions of this General Permit;

c. Inspect during normal business hours any municipal facilities; and

d. Sample or monitor at reasonable times for the purpose of assuring General Permit compliance.

9. Signatory Requirements

All NOIs, SWMPs, certifications, reports, or other information prepared in accordance with this General Permit submitted to the SWRCB or RWQCB shall be signed by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of U.S. EPA).

10. Certification

Any person signing documents under Section G.9 above, shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

11. Anticipated Noncompliance

The Permittee will give advance notice to the RWQCB and local storm water management agency of any planned changes in the regulated Small MS4 activity that may result in noncompliance with General Permit requirements.

12. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than two years or by both.

13. Penalties for Violations of Permit Conditions

a. Part 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Parts 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Part 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed $27,500 per calendar day of such violation, as well as any other appropriate sanction provided by Part 309 of the CWA.

b. Porter-Cologne also provides for administrative, civil, and criminal penalties, which in some cases are greater than those under the CWA.

14. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action against the Permittee or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Part 311 of the CWA.

15. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

16. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, or otherwise in accordance with 40 CFR sections 122.62, 122.63, 122.64, and 124.5.

17. Availability

A copy of this General Permit and the SWMP shall be made available for public review.

18. Transfers

This General Permit is not transferable. A Permittee must submit written notification to the appropriate RWQCB to terminate coverage of this permit.

19. Continuation of Expired Permit

This General Permit expires five years from the date of adoption. This General Permit continues in force and in effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Small MS4s authorized to discharge under the expiring General Permit are covered by the continued General Permit.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the SWRCB held on_____.

AYE:

NO:

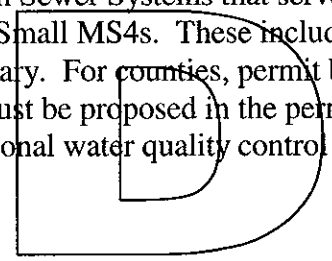
ABSENT:

ABSTAIN

Maureen Marche
Administrative Assistant to the Board

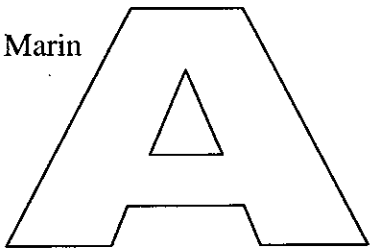
Attachment 1

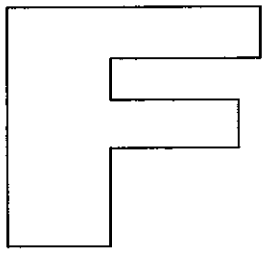
Operators of Municipal Separate Storm Sewer Systems that serve areas within urbanized areas are automatically designated as regulated Small MS4s. These include the following areas. (For cities, the permit area boundary is the city boundary. For counties, permit boundaries must at least be inclusive of urbanized areas. The boundaries must be proposed in the permit application and may be developed in conjunction with the applicable regional water quality control board.)



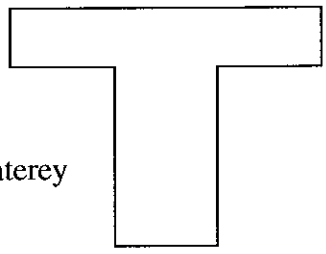
Region 1
City of Cotati
Graton, County of Sonoma
City of Healdsburg
City of Rohnert Park
City of Sebastapool
Town of Windsor
County of Sonoma

Region 2
City of Belvedere
City of Benicia
Black Point-Green Point, County of Marin
Town of Corte Madera
Town of Fairfax
City of Larkspur
Lucas Valley-Marinwood, County of Marin
City of Mill Valley
City of Napa
City of Novato
City of Petaluma
Town of Ross
Town of San Anselmo
City of San Francisco
City of San Rafael
City of Sausalito
City of Tamalpais-Homestead Valley
City of Tiburon
Woodacre, County of Marin
County of Napa
County of Marin
County of Sonoma
County of San Francisco

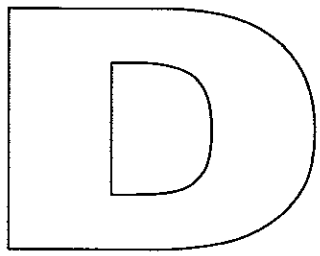


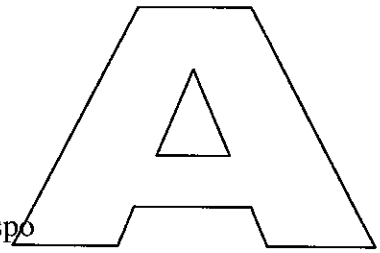
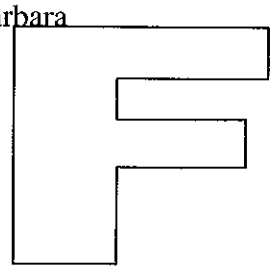


Region 3
Aptos, County of Santa Cruz
City of Atascadero
City of Capitola
City of Carmel-by-the-Sea
Carmel Valley Village, County of Monterey
City of Carpinteria

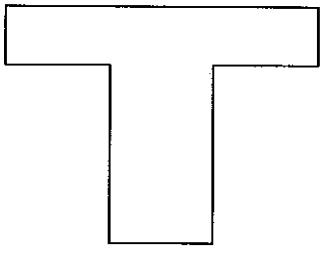


Castroville, County of Monterey
City of Del Ray Oaks
City of Gilroy
Goleta, County of Santa Barabara
Isla Vista, County of Santa Barabara
Las Lomas, County of Santa Cruz
Live Oak, County of Santa Cruz
City of Lompoc
City of Marina
Montecito, County of Santa Barbara
City of Monterey
City of Morgan Hill
Nipomo, County of San Luis Obispo
Orcutt, County of Santa Barbara
City of Pacific Grove
City of Paso Robles
Pajaro, County of Monterey
Pebble Beach, County of Monterey
Prunedale, Count of Monterey
City of San Luis Obispo
City of Santa Barbara
City of Santa Cruz
City of Santa Maria
City of Scotts Valley
City of Seaside
Spreckles, County of Monterey
City of Watsonville
Templeton, County of San Luis Obispo
San Martin, County of Santa Clara
City of Sand City
Vandenberg Air Force Base
Vandenberg Village, County of Santa Barbara
County of Monterey
County of San Luis Obispo
County of Santa Barbara
County of Santa Clara
County of Santa Cruz

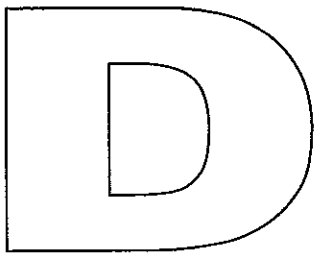


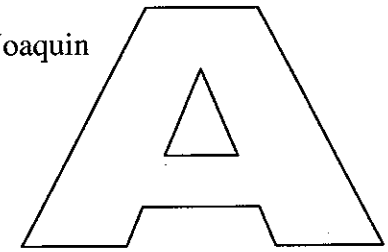



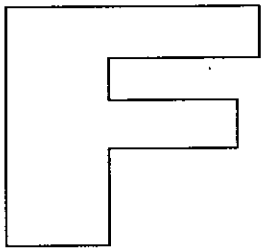
Region 5
City of Anderson
City of Atwater
City of Auburn
Bondelle Ranchos, County of Madera
City of Ceres
City of Chico
City of Davis
City of Delhi
City of Durham

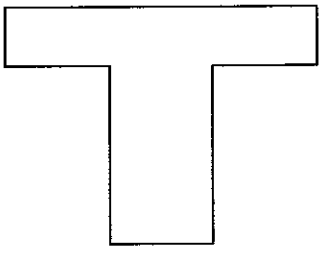


Easton, County of Fresno
El Dorado Hills, County of El Dorado
Empire, County of Stanislaus
City of Exeter
City of Farmersville
French Camp, County of San Joaquin
City of Goshen
City of Houghson
Granite Bay, County of Placer
Kennedy, County of San Joaquin
Keyes, County of Stanislaus
City of Lathrop
Linda, County of Yuba
City of Lodi
Town of Loomis
City of Madera
Madera Acres, County of Madera
City of Manteca
City of Marysville
City of Merced
Morada, County of San Joaquin
North Auburn, County of Placer
North Woodbridge, County of San Joaquin
Olivehurst, County of Yuba
City of Porterville
City of Redding
City of Ripon
City of Riverbank
City of Rocklin
City of Roseville
Salida, County of Stanislaus
City of Shasta Lake
Strathmore, County of Tulare
South Yuba City, County of Sutter
City of Tracy
City of Turlock
City of Vacaville
City of Visalia
City of West Sacramento
City of Winton
City of Yuba City
County of Butte
County of Madera
County of Merced
County of Placer
County of San Joaquin
County of Shasta
County of Solano





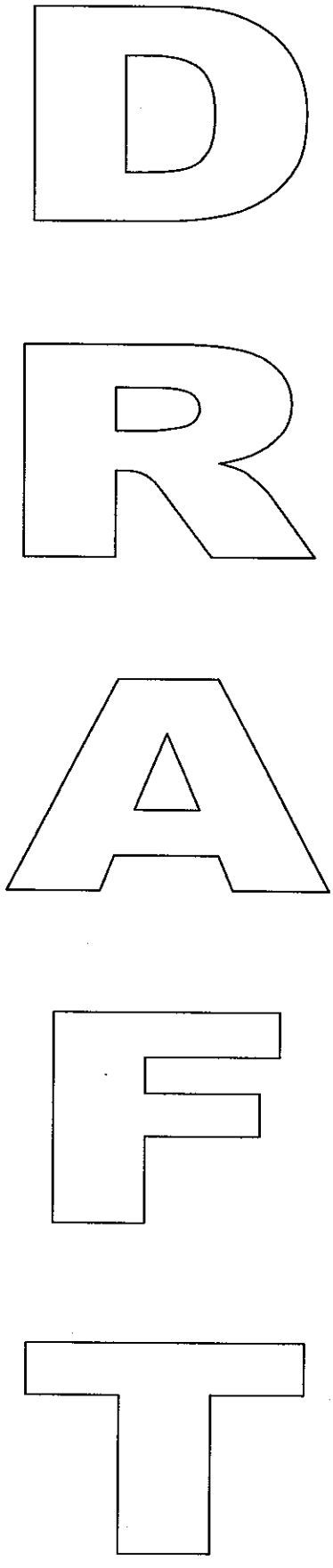




County of Stanislaus
County of Sutter
County of Tulare
County of Yolo
County of Yuba

Region 6
City of Apple Valley
City of Hesperia
City of Lancaster
City of Palmdale
City of Victorville
County of San Bernadino
County of Los Angeles

Region 7
City of El Centro
Heber, County of Imperial
City of Winterhaven
County of Imperial



Operators of Municipal Separate Storm Sewer Systems that serve areas that are designated by the State Water Resources Control Board or Regional Water Quality Control Board in accordance with the designation criteria contained in the General Permit are regulated Small MS4s. These include, but are not limited to, the following areas. (For cities, the permit area boundary is the city boundary. For counties, permit boundaries must at least be inclusive of urbanized areas. The boundaries must be proposed in the permit application and may be developed in conjunction with the applicable regional water quality control board.)

Region 1

Area	Justification	Details
City of Arcata	• Discharge into a sensitive water body • High population density	• Mad River which is on the 303(d) list for sediment and turbidity • Urban cluster

Region 2

Area	Justification	Details
City of Calistoga	• High population density	• Urban cluster
City of St. Helena	• High population density	• Urban cluster
City of Sonoma	• High population density	• Urban cluster
City of Yountville	• High population density	• Urban cluster

Region 3

Area	Justification	Details
County of San Luis Obispo around Baywood-Los Osos area	• Discharge into a sensitive water body • High population density	• Morro Bay which is on the 303(d) list for sediments • Urban cluster
City of Morro Bay	• Discharge into a sensitive water body • High population density	• Morro Bay which is on the 303(d) list for sediments • Urban area

Region 5

Area	Justification	Details
City of Clearlake	• Discharge into a sensitive water body • High population density	• Clear Lake which is on the 303(d) list for mercury and nutrients • Urbanized cluster
City of Fowler	• High population density	• Urban cluster
City of Grass Valley	• Discharge to sensitive water bodies • High growth potential • High population density	• Wolf Creek and Deer Creek which support threatened and endangered species • Urban cluster

Attachment 2

City of Hanford	• High growth or growth potential • High population density	• 34.9% over 10 years • Urban cluster
City of Kingsburg	• High population density	• Urban cluster
City of Lakeport	• Discharge to sensitive water bodies • High population density	• Clear Lake which is on the 303(d) list for mercury and nutrients • Urban cluster
City of Lincoln	• High growth and growth potential • Discharge to sensitive water bodies • High population density	• 54.6% over 10 years and continuing at 15% per year • Receiving waters support threatened and endangered species • Urban cluster
City of Los Baños	• High growth • Discharge into a sensitive water body • High population density	• 78.2% growth over 10 years • Los Baños Canal which is used for agriculture supply and flows into a water of the U.S. • Urban cluster
City of Oakdale	• High growth • Discharge to sensitive water body • High population density	• 29.6% over 10 years • Stanislaus River which is on the 303(d) list for pesticides and unknown toxicity • Urban cluster
City of Patterson	• High growth • Discharge to sensitive water body • High population density	• 34.5% over 10 years • San Joaquin river which is on the 303(d) list for pesticides, and unknown toxicity • Urban cluster
City of Placerville	• Discharge to sensitive water body • High population density	• Hangtown Creek. Emigrant Ravine Creek, Cedar Ravine Creek, and Cedar Ravine Creek which support threatened and endangered species • Urban cluster
City of Reedley	• Discharge into sensitive water body • High population density	• Kings River, used for recreation and agriculture supply • Urban cluster
Rio Vista	• Discharge to sensitive water body • High population growth potential	• Sacramento River, Delta, which is on the 303(d) list for pesticides, mercury, and unknown toxicity

	• High population density	• 210% projected growth between 2000 and 2010 • Urban cluster
City of Selma	• Discharge into sensitive water body • High population density	• Urban cluster
City of Tulare	• High growth • Contributor of pollutants to waters of the U.S. • High population density	• 32.3% growth over 10 years • High population, approaching "urbanized area" • Urban cluster
City of Woodland	• Significant contributor of pollutants to waters of the U.S. • High population density	• 49,151 people at the time of the census, essentially the same threat as an urbanized area • Urban cluster
County of Lake	• Discharge to sensitive water bodies • High population density	• Clear Lake which is on the 303(d) list for mercury and nutrients • Urban cluster

Region 6

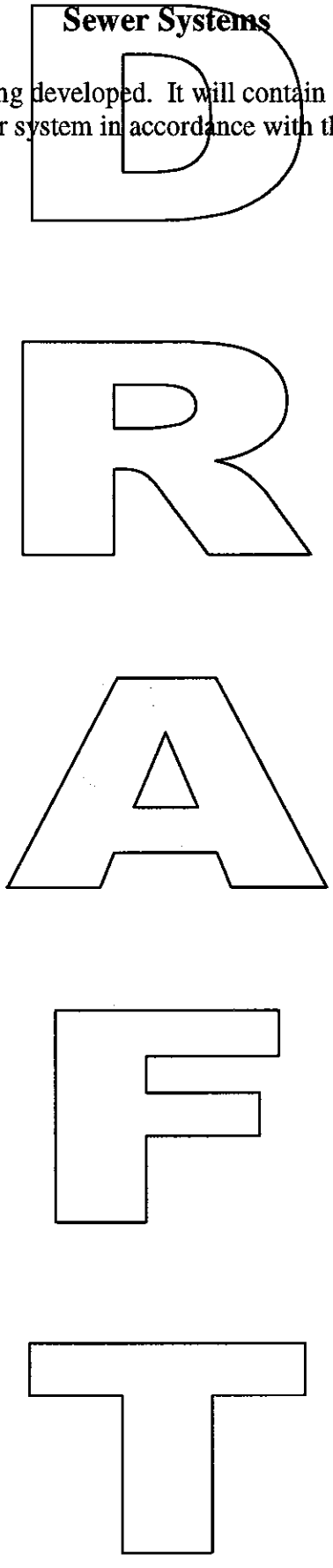
Area	Justification	Details
City of Adelanto	• High population growth • High population density	• 112% over 10 years • Urban cluster
City of Barstow	• Discharge to sensitive water body • High population density	• Mojave River which is on the 303(d) list for priority organics • Urban cluster

Region 7

Area	Justification	Details
City of Brawly	• Discharge to sensitive water body • High population density	• New River which is on the 303(d) list for bacteria, nutrients, pesticides, and sedimentation • Urban cluster
City of Calexico	• Discharge to sensitive water body • High population density	• Salton Sea which is on the 303(d) list for nutrients • Urban cluster

Governmental Facilities Defined as Regulated Small Municipal Separate Storm Sewer Systems

(This list of facilities is currently being developed. It will contain governmental facilities defined as small municipal separate storm sewer system in accordance with the definition in the draft permit.)



INSTRUCTIONS FOR COMPLETING THE NOI TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(ORDER No.)

Applicability
Each entity or group of entities, if working together as co-permittees, seeking permit coverage under this General Permit must submit a completed NOI

When to submit
An NOI must be submitted by March 10, 2003, or 180 days after designation notification by the Regional Water Quality Control Board (RWQCB) or SWRCB, whichever is later.

Where to submit
The NOI and applicable attachments must be submitted to the appropriate RWQCB office. A map and list of contact information for each RWQCB may be found in Attachment __ of this General Permit

Questions
If you have questions regarding this General Permit, you may call the RWQCB that has jurisdiction over the area you are in or the SWRCB. Contact information may be found in Attachment __ of this General Permit.

Line-by-Line Instructions

I. Discharger Information
Check the box that corresponds to the permitting option you wish to apply for. If you are applying to be a co-permittee, an appropriate official representing each agency who will participate in the area-wide permit must sign on the lines provided certifying the agency will be a co-permittee with the other agencies listed to implement a storm water program in the combined designated areas of each of the agency's jurisdiction. The agency to act as the Lead Agency (the entity responsible for being the main contact with the RWQCB for permit administration) shall start the list. If more than four agencies will act as co-permittees, continue the list on a separate page.

Each agency must also complete a separate Information Sheet or Separate Implementing Entity Form. (See accompanying sheets for instructions for these sheets.)

II. Permit Area
General name of the permit area, such as the Sacramento Metropolitan Area

III. Boundaries of Coverage
Describe the boundaries of the area to be permitted and include a site map. For a city, this would be the established city boundaries. For a county, unless the entire county is designated, the permitted area should be inclusive of the area of concern and rely on simplified boundaries for each general direction, such as rivers, major roads or highways, or an adjoining city's boundary. For other governmental facilities, the property line shall serve as the permit boundary.

IV. Fees
Enter the resident population of people living within the applicant's permitted area. Check the box that corresponds to the entered population. Submit the indicated fee amount with the NOI package to the Regional Board.

INSTRUCTIONS FOR COMPLETING THE INFORMATION SHEET ATTACHMENT TO THE NOI TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MS4s (ORDER No.)

I. NOI STATUS

Check box "1" if this is a new NOI submittal. Check box "2" if you are reporting changes to the NOI (e.g., new contact person, phone number, mailing address). Include the facility WDID number and highlight all the information that has been changed. The appropriate official must sign the form, certifying the changes.

II. AGENCY INFORMATION

A. Enter the name of the agency applying for coverage.
B. Enter the first and last name of the person familiar with the permit and responsible for permit compliance.
C. Enter the phone number where the contact person can be reached.
D. Enter the agency's mailing address.
E. Enter the agency's mailing address city.
F. Enter the agency's mailing address zip code.
G. Enter the county in which the agency is located. If the agency is located in more than one county, list all applicable counties. Attach additional sheets if necessary.
H. Check the box that corresponds to the agency owner.

III. CERTIFICATION

A. Print the name of the appropriate official. For a municipality, State, Federal, or other public agency this would be a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).
B. The person whose name is printed in box IV.A must sign the Information Sheet.
C. Provide the date on which the Information Sheet was signed.
D. Enter the professional title of the person signing this Information Sheet.

State Water Resources Control Board

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT
FOR
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(~~WQ ORDER No.~~)

I. DISCHARGER INFORMATION (check applicable box(es) and complete corresponding information)

☐ Applying for individual General Permit Coverage	Complete and submit the attached Information Sheet
☐ Applying for a permit with one or more co-permittee	The undersigned agree to work as co-permittees in implementing a complete small MS4 storm water program. The program must comply with the requirements found in Title 40 of the Code of Federal Regulations, parts 122.32. Attach additional sheets if necessary. Each co-permittee must complete an attached Information Sheet. _____ Lead Agency _____ Signature of Official _____ Agency _____ Signature of Official _____ Agency _____ Signature of Official _____ Agency _____ Signature of Official
☐ Relying on Separate Implementing Entity	Complete and submit the attached the Separate Implementing Entity Form

II. PERMIT AREA:

_____

III. BOUNDARIES OF COVERAGE (include a site map with the submittal)

_____

_____

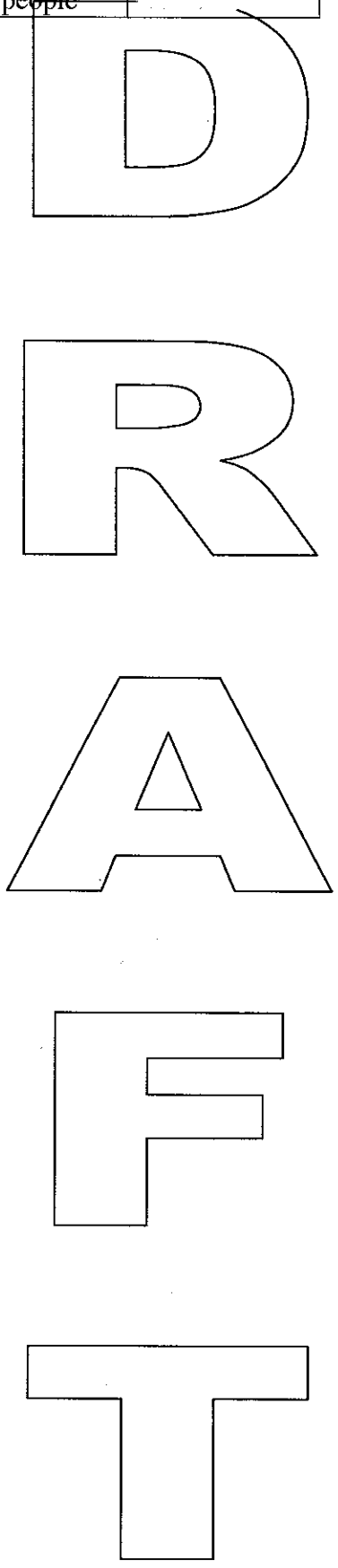
_____

_____

VI. FEES

Total Population: _____	
Enclosed Filing Fee (check one)	
Less than 50,000 people	

☐ Less than 100,000 people	
☐ Greater than or equal to 100,000 people	



INFORMATION SHEET

ATTACHMENT TO THE
NOTICE OF INTENT TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT
FOR
STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS
(WQ ORDER No.)

I. NOI STATUS

Mark Only One Item	1. ☐ New Permittee	2. ☐ Change of Information for WDID#

II. AGENCY INFORMATION

A. Name		
B. Contact Person		C. Phone
D. Mailing Address		
E. City	F. Zip	G. County

H. Operator Type
(check one) 1. [ ] City 2. [ ] County 3. [ ] State 4. [ ] Federal 5. [ ] Special District 6. [ ] Government Combination

III. CERTIFICATION

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel property gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Additionally, I certify that the provisions of the permit, including the development and implementation of a Storm Water Management Program, will be complied with."

A. Printed Name: _____

B. Signature: _____ C. Date: _____

D. Title: _____

INSTRUCTIONS FOR COMPLETING THE IMPLEMENTING ENTITY FORM ATTACHMENT TO THE NOI TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES FROM SMALL MS4s (ORDER No.)

I. NOI STATUS

Check box "1" if this is a new NOI registration. Check box "2" if you are reporting changes to the NOI (e.g., new contact person, phone number, mailing address). Include the facility WDID number and highlight all the information that has been changed. The appropriate official must sign the form, certifying the changes.

II. AGENCY INFORMATION

A. Enter the name of the agency applying for coverage.
B. Enter the first and last name of the person familiar with the permit and responsible for permit compliance.
C. Enter the phone number where the contact person can be reached.
D. Enter the agency's mailing address
E. Enter the agency's mailing address city.
F. Enter the agency's mailing address zip code.
G. Enter the county in which the agency is located. If the agency is located in more than one county, list all applicable counties. Attach additional sheets if necessary.
H. Check the box that corresponds to the agency owner.

III. SEPARATE PROGRAM

List all of the Minimum Control Measure(s) that will be implemented by the SIE. If the program you are relying on includes multiple co-permittees, use the Lead Agency to complete this form.

IV. IMPLEMENTING ENTITY (If more than one entity is implementing programs, use a different form for each SIE.)

A. Enter the name of the agency applying for coverage.
B. Enter the first and last name of the person familiar with the permit and responsible for permit compliance.
C. Enter the phone number where the contact person can be reached.
D. Enter the agency's mailing address
E. Enter the agency's mailing address city.
F. Enter the agency's mailing address zip code
G. Enter the county in which the agency is located. If the agency is located in more than one county, list all applicable counties. Attach additional sheets if necessary.
H. Check the box that corresponds to the agency owner.
I. Certification by an appropriate SIE official that the SIE agrees to include the agency in implementing the SWMP. For a municipality, State, Federal, or other public agency the appropriate official would be a principal executive officer, ranking elected official or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).

SIE FORM INSTRUCTIONS CONTINUED

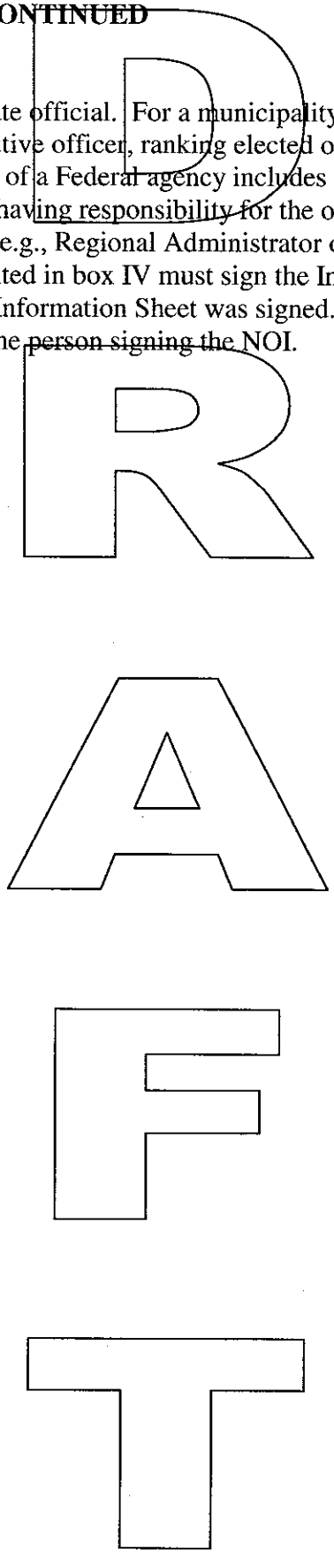
V. CERTIFICATION

A. Print the name of the appropriate official. For a municipality, State, Federal, or other public agency this would be a principal executive officer, ranking elected official or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).

B. The person whose name is printed in box IV must sign the Information Sheet.

C. Provide the date on which the Information Sheet was signed.

D. Enter the professional title of the person signing the NOI.



SEPARATE IMPLEMENTING ENTITY (SIE) FORM

ATTACHMENT TO THE
NOTICE OF INTENT TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT FOR
STORM WATER DISCHARGES FROM SMALL MS4s
(WQ ORDER No.)

I. NOI STATUS

Mark Only One Item	1. ☐ New Permittee	2. ☐ Change of Information for WDID#

II. AGENCY INFORMATION

A. Name			
B. Contact Person			C. Phone
D. Mailing Address			
E. City		F. Zip	G. County
H. Operator Type (check one) 1. [ ] City 2. [ ] County 3. [ ] State 4. [ ] Federal 5. [ ] Special District 6. [ ] Government Combination			

III. SEPARATE PROGRAM

Minimum Control Measure(s) being implemented by a separate entity	1. 2. 3. 4. 5. 6.

IV. IMPLEMENTING ENTITY

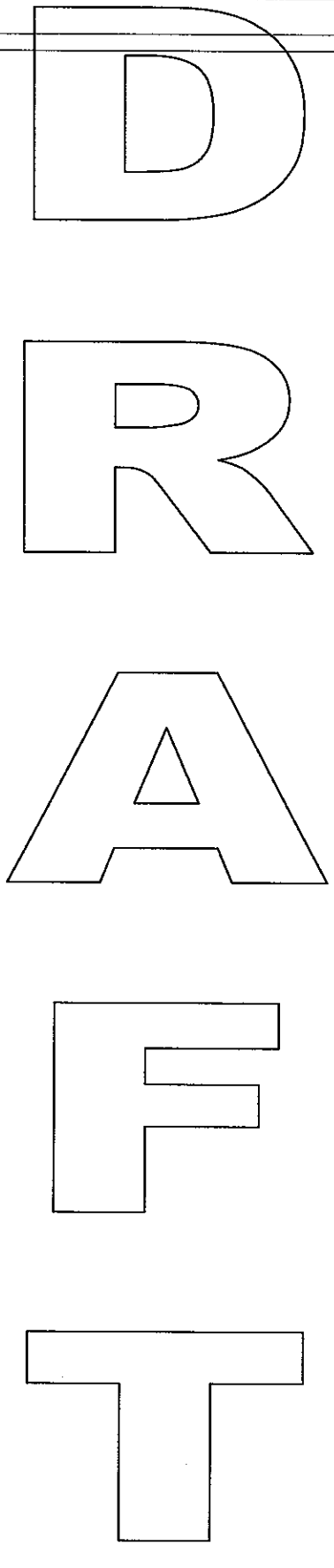
A. Separate Implementing Entity Name			
B. Contact Person			C. Phone
D. Mailing Address			
E. City		F. Zip	G. County
H. Operator Type (check one) 1. [ ] City 2. [ ] County 3. [ ] State 4. [ ] Federal 5. [ ] Special District 6. [ ] Government Combination			
I. "I agree to implement a storm water program that meets the requirements of Order 02-XXX and coordinate applicable parts of that program with the agency identified in section II of this form." Signature of Official			Date

IV. CERTIFICATION

"I agree to coordinate with the agency identified in Section III of this form and comply with its qualifying storm water program. I certify under penalty of law that this document and ~~all attachments were prepared~~ under my direction and supervision in accordance with a system designed to assure that qualified personnel property gather and evaluate the information submitted. Based on my inquiry of the person or persons who ~~manage the~~ system, ~~or those persons~~ directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Additionally, I certify that the provisions of the permit, including the development and implementation of a Storm Water Management Program, will be complied with."

A. Printed Name: _____

B. Signature: _____	C. Date: _____
D. Title: _____	



STATE WATER RESOURCES CONTROL BOARD

Division of Water Quality
Attention: Storm Water Section
P.O. Box 1977
Sacramento, CA 95812-1977
(916) 341-5539 FAX: (916) 341-5543
Web Page: http://www.swrcb.ca.gov/stormwtr/index.html
Email: stormwater@dwq.swrcb.ca.gov

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

NORTH COAST REGION (1)
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403
(707) 576-2220 FAX: (707) 523-0135
Web Page: http://www.swrcb.ca.gov/rwqcb1

SAN FRANCISCO BAY REGION (2)
1515 Clay Street, Ste. 1400
Oakland, CA 94612
(510) 622-2300 FAX: (510) 622-2460
Web Page: http://www.swrcb.ca.gov/rwqcb2

CENTRAL COAST REGION (3)
81 Higuera Street, Ste. 200
San Luis Obispo, CA 93401-5427
(805) 549-3147 FAX: (805) 543-0397
Web Page: http://www.swrcb.ca.gov/rwqcb3

LOS ANGELES REGION (4)
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013
(213) 576-6600 FAX: (213) 576-6640
Web Page: http://www.swrcb.ca.gov/rwqcb4

CENTRAL VALLEY REGION (5S)
3443 Routier Road, Ste. A
Sacramento, CA 95827-3098
(916) 255-3000 FAX: (916) 255-3015
Web Page: http:// www.swrcb.ca.gov/rwqcb5

FRESNO BRANCH OFFICE (5F)
3614 East Ashlan Avenue
Fresno, CA 93726
(559) 445-5116 FAX: (559) 445-5910
Web Page: http:// www.swrcb.ca.gov/rwqcb5

REDDING BRANCH OFFICE (5R)
415 Knollcrest Drive, Ste. 100
Redding, CA 96002
(530) 224-4845 FAX: (530) 224-4857
Web Page: http:// www.swrcb.ca.gov/rwqcb5

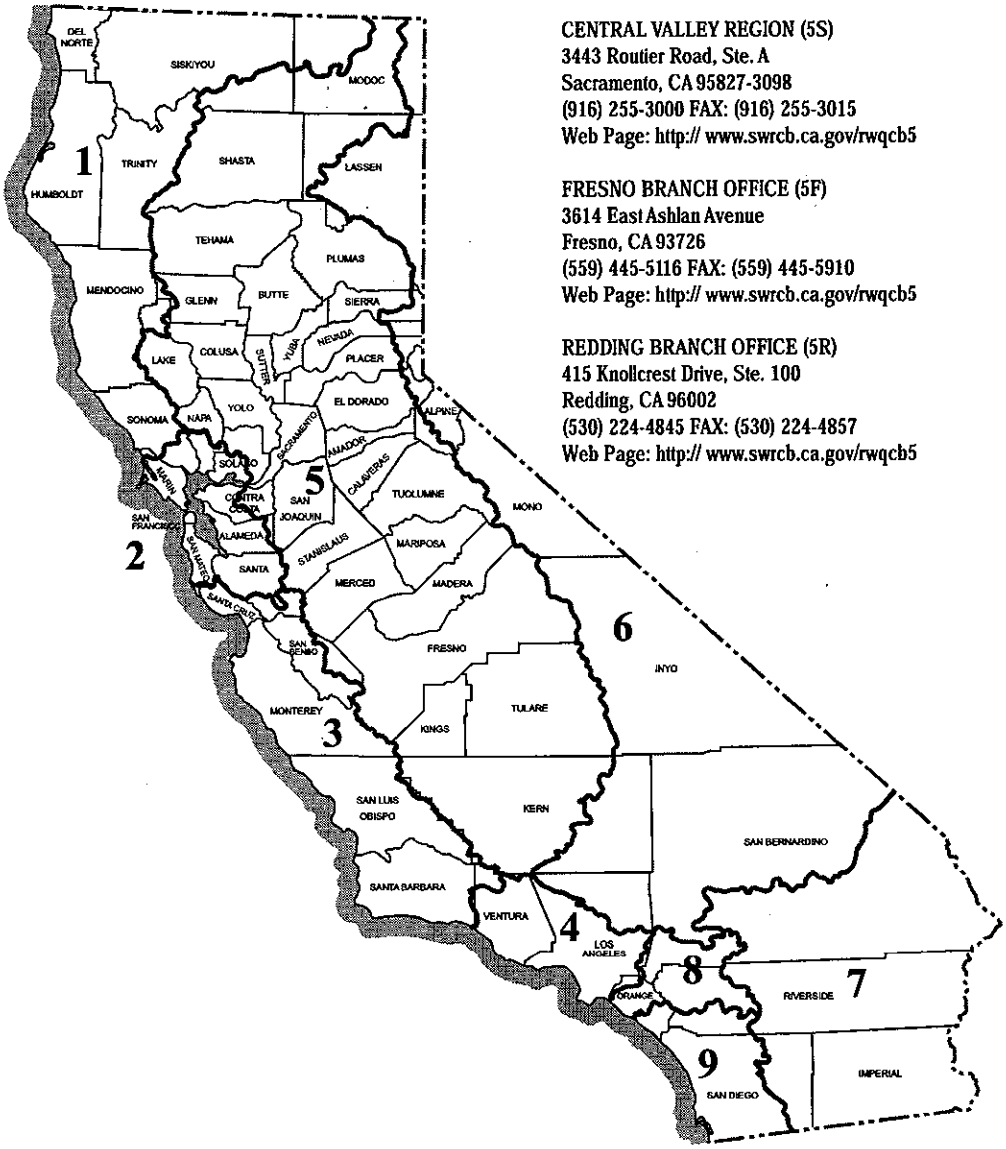
LAHONTAN REGION (6 SLT)
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(530) 542-5400 FAX: (530) 544-2271
Web Page: http:// www.swrcb.ca.gov/rwqcb6

VICTORVILLE BRANCH OFFICE (6V)
15428 Civic Drive, Ste. 100
Victorville, CA 92392-2383
(760) 241-6583 FAX: (760) 241-7308
Web Page: http:// www.swrcb.ca.gov/rwqcb6

COLORADO RIVER BASIN REGION (7)
73-720 Fred Waring Dr., Ste. 100
Palm Desert, CA 92260
(760) 346-7491 FAX: (760) 341-6820
Web Page: http:// www.swrcb.ca.gov/rwqcb7

SANTA ANA REGION (8)
California Tower
3737 Main Street, Ste. 500
Riverside, CA 92501-3339
(909) 782-4130 FAX: (909) 781-6288
Web Page: http://www.swrcb.ca.gov/rwqcb8

SAN DIEGO REGION (9)
9174 Sky Park Court, Suite 100
San Diego, CA 92123
(858) 467-2952 FAX: (858) 571-6972
Web Page: http://www.swrcb.ca.gov/rwqcb9



STATE OF CALIFORNIA
Gray Davis, Governor

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
Winston H. Hickox, Secretary

STATE WATER RESOURCES CONTROL BOARD
Arthur Baggett Jr., Chair

Example Design Standards

This Attachment provides an example of Post-Construction requirements that a Small MS4 may adopt and subsequently require developers in the permit area to implement into their projects. While an approach similar to this example is appropriate all for Small MS4s, there are other post-construction BMPs to incorporate that may make the requirements for developers more or less prescriptive, including providing specific categories of development to require Design Standards, reducing the threshold area requiring Design Standards, or modifying the particular Design Standards required. The requirements would be adopted by the MS4 to be included in the design phase of any private or public development. The MS4 must check that post-construction measures are incorporated during plan review and during construction and maintained throughout the life of the project. While there is some flexibility in how to comply with the Post-Construction Minimum Control Measure, the implementation of the requirements must result in the reduction of pollutants in the MS4's storm water discharge to the MEP.

Design Standards are applicable to all development projects that disturb greater than or equal to one acre of land (or are part of a larger common plan of development that disturbs more than once acre), or significant redevelopment projects.

DESIGN STANDARDS

A. CONSERVE NATURAL AREAS

- Concentrate or cluster Development on portions of a site while leaving the remaining land in a natural undisturbed condition.
- Limit clearing and grading of native vegetation at a site to the minimum amount needed to build lots, allow access, and provide fire protection.
- Maximize trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native and/or drought tolerant plants.
- Promote natural vegetation by using parking lot islands and other landscaped areas.
- Preserve riparian areas and wetlands and restore areas that provide water quality functions.

B. VOLUME AND FLOW CONTROL

Structural or Treatment control BMPs selected for use at any project covered by these Design Standards shall comply with the following requirements unless specifically exempted.

Post-construction Structural or Treatment Control BMPs shall be designed to:

1. Infiltrate or treat storm water runoff from either:

a). The 85th percentile 24-hour runoff event determined as the maximized capture storm water volume for the area, from the formula recommended in *Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998)*, or

b). The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial/ Commercial,* (1993), or

c). The volume of runoff produced from a historical-record based reference 24-hour rainfall criterion for "treatment" (an average specific to the permit area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event,

AND

2. Control peak flow discharge to provide stream channel and over bank flood protection, based on flow design criteria selected by the permitted Small MS4.

C. MINIMIZE STORM WATER POLLUTANTS OF CONCERN

Storm water runoff from a site has the potential to contribute oil and grease, suspended solids, trash, heavy metals, petroleum products, pesticides, herbicides, fertilizers, PAHs, oxygen demanding substances, and pathogens to the storm water conveyance system. To reduce the discharge of pollutants from the MS4, the development must be designed so as to minimize the introduction of pollutants to the MS4. There are a variety of BMPs that can be incorporated into developments to do this.

In meeting this specific requirement, "minimization of the pollutants of concern" will require the incorporation of a BMP or combination of BMPs best suited to maximize the reduction of pollutant loadings in that runoff to the Maximum Extent Practicable. Those BMPs best suited for that purpose are those listed in the *California Storm Water Best Management Practices Handbooks*; *Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide*; *Manual for Storm Water Management in Washington State*; *The Maryland Stormwater Design Manual*; *Florida Development Manual: A Guide to Sound Land and Water Management*; Denver *Urban Storm Drainage Criteria Manual, Volume 3 – Best Management Practices* and *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters* , USEPA Report No. EPA-840-B-92-002, as "likely to have significant impact" beneficial to water quality for targeted pollutants that are of concern at the site in question. However, it is possible that a combination of BMPs not so designated, may in a particular circumstance, be better suited to maximize the reduction of the pollutants. Examples of BMPs that can be used for minimizing the introduction of pollutants of concern generated from site runoff are identified in Table 2.

At a minimum, the following Structural BMPs must be included where applicable (i.e., if the project includes loading docks, loading docks shall be designed and constructed as specified below):

1. **PROPERLY DESIGN LOADING/UNLOADING DOCK AREAS**

   Loading/unloading dock areas have the potential for material spills to be quickly transported to the storm water conveyance system. To minimize this potential, the following design criteria are required:

   - Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
   - Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

2. **PROPERLY DESIGN REPAIR/MAINTENANCE BAYS**

   Oil and grease, solvents, car battery acid, coolant and gasoline from the repair/maintenance bays can negatively impact storm water if allowed to come into contact with storm water runoff. Therefore, design plans for repair bays must include the following:

   - Repair/maintenance bays must be indoors or designed in such a way that doesn't allow storm water runon or contact with storm water runoff.
   - Design a repair/maintenance bay drainage system to capture all washwater, leaks and spills. Connect drains to a sump for collection and disposal. Direct connection of the repair/maintenance bays to the storm drain system is prohibited. If required by local jurisdiction, obtain an Industrial Waste Discharge Permit.

3. **PROPERLY DESIGN VEHICLE/EQUIPMENT WASH AREAS**

   The activity of vehicle/equipment washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the storm water conveyance system. Include in the project plans an area for washing/steam cleaning of vehicles and equipment. The area in the site design must be:

   - Self-contained and/ or covered, equipped with a clarifier, or other pretreatment facility, and properly connected to a sanitary sewer.

4. **PROPERLY DESIGN EQUIPMENT/ACCESSORY WASH AREAS**

   The activity of outdoor equipment/accessory washing/steam cleaning has the potential to contribute metals, oil and grease, solvents, phosphates, and

suspended solids to the storm water conveyance system. Include in the project plans an area for the washing/steam cleaning of equipment and accessories. This area must be:

- Self-contained, equipped with a grease trap, and properly connected to a sanitary sewer.
- If the wash area is to be located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer.

5. PROPERLY DESIGN FUELING AREA

Fueling areas have the potential to contribute oil and grease, solvents, car battery acid, coolant and fuels to the storm water conveyance system. Therefore, design plans, which include fueling areas, must contain the following:

- The fuel dispensing area should be covered with an overhanging roof structure or canopy. The cover's minimum dimensions must be equal to or greater than the area within the grade break. The cover must not drain onto the fuel dispensing area and the downspouts must be routed to prevent drainage across the fueling area.
- The fuel dispensing areas must be paved with Portland cement concrete (or equivalent smooth impervious surface), and the use of asphalt concrete shall be prohibited.
- The fuel dispensing area must have a 2% to 4% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water.
- At a minimum, the concrete fuel dispensing area must extend 6.5 feet (2.0 meters) from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter), whichever is less.

6. PROPERLY DESIGN PARKING AREA

Parking lots may accumulate pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that are deposited on parking lot surfaces by motor vehicles. These pollutants are directly transported to surface waters. To minimize the offsite transport of pollutants, the following design criteria are required:

- Reduce impervious land coverage of parking areas
- Infiltrate runoff before it reaches storm drain system
- Treat runoff before it reaches storm drain system

Particular attention should be given to ensure adequate operation and maintenance of treatment systems particularly sludge and oil removal, and system fouling and plugging.

7. PROPERLY DESIGN OUTDOOR MATERIAL STORAGE AREAS

Outdoor material storage areas refer to storage areas or storage facilities solely for the storage of materials. Improper storage of materials outdoors may provide an opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids, and other pollutants to enter the storm water conveyance system. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following Structural Treatment BMPs are required:

- Materials with the potential to contaminate storm water must be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs.
- The storage area must be paved and sufficiently impervious to contain leaks and spills.
- The storage area must have a roof or awning to minimize collection of storm water within the secondary containment area.

8. PROPERLY DESIGN TRASH STORAGE AREAS

A trash storage area refers to an area where a trash receptacle or receptacles are located for use as a repository for solid wastes. Trash storage areas must comply with the following requirements (individual, single family residences are exempt from these requirements).

- Trash container areas must have drainage from adjoining roofs and pavement diverted around the area(s).
- Trash container areas must be screened or walled to prevent off-site transport of trash.
- Trash containeers must be covered.
- If drainage within the storage area is required, such drainage should be made to the sanitary sewer with appropriate pre-treatment (e.g. grease traps).

D. PROVIDE PROOF OF ONGOING BMP MAINTENANCE

Improper maintenance is one of the most common reasons why water quality controls will not function as designed or which may cause the system to fail entirely. It is important to consider who will be responsible for maintenance of a permanent BMP, and what equipment is required to perform the maintenance properly.

As part of project review, if a project applicant has included or is required to include, Structural or Treatment Control BMPs in project plans, the Permittee shall require that

the applicant provide verification of maintenance provisions through such means as may be appropriate, including, but not limited to legal agreements, covenants, CEQA mitigation requirements and/or Conditional Use Permits.

For all properties, the verification shall include:

1. The developer's signed statement, as part of the project application, accepting responsibility for all structural and treatment control BMP maintenance until the time the property is transferred;

2. Printed educational materials providing information on the storm water management facilities present, signs that maintenance is needed, and how the necessary maintenance can be performed; and

3. Where the property will be transferred to a public entity, a signed agreement from the public entity assuming responsibility for Structural or Treatment Control BMP maintenance.

The transfer of property to a private or public owner must have conditions requiring the recipient to assume responsibility for maintenance of any Structural or Treatment Control BMP to be included in the sales or lease agreement for that property, and will be the owner's responsibility. The condition of transfer shall include a provision that the property owners conduct maintenance inspection of all Structural or Treatment Control BMPs at least once a year and retain proof of inspection. The printed educational materials, highlighting the BMPs and their maintenance requirements, shall be required to accompany the first and any subsequent deed transfers.

For residential properties where the Structural or Treatment Control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance must be included in the projects conditions, covenants and restrictions (CC&Rs).

If Structural or Treatment Control BMPs are located within a public area proposed for transfer, they will be the responsibility of the developer until they are accepted for transfer by the County or other appropriate public agency.

E. WAIVER

A Permittee may, through adoption of an ordinance or code incorporating the treatment requirements of the Post-Construction Minimum Control Measure, provide for a waiver from the requirement if impracticability for a specific property can be established. A waiver of impracticability shall be granted only when all other source control and Structural or Treatment Control BMPs have been considered and rejected as infeasible. Recognized situations of impracticability include, (i) extreme limitations of space for treatment on a redevelopment project, (ii) unfavorable or unstable soil conditions at a site to attempt infiltration, and (iii) risk of ground water contamination because a known

unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than 10 feet from the soil surface. Any other justification for impracticability must be separately petitioned by the Permittee and submitted to the Regional Board for consideration. The Regional Board may consider approval of the waiver justification or may delegate the authority to approve a class of waiver justifications to the Regional Board Executive Officer. The supplementary waiver justification becomes recognized and effective only after approval by the Regional Board or the Regional Board Executive Officer. A waiver granted by a Permittee to any development or redevelopment project may be revoked by the Regional Board Executive Officer for cause and with proper notice upon petition.

If a waiver is granted for impracticability, the Permittee must require the project proponent to transfer the savings in cost, as determined by the Permittee, to a storm water mitigation fund operated by a public agency or a non-profit entity. The funds shall be used to promote regional or alternative solutions for storm water pollution in the watershed.

F. LIMITATION ON USE OF INFILTRATION BMPs

Four factors significantly influence the potential for storm water to contaminate ground water. They are (i) pollutant mobility, (ii) pollutant abundance in storm water, (iii) soluble fraction of pollutant, and (iv) soil type. The risk of contamination of groundwater may be reduced by pretreatment of storm water. A discussion of limitations and guidance for infiltration practices is contained in, *Potential Groundwater Contamination from Intentional and Non-Intentional Stormwater Infiltration, Report No. EPA/600/R-94/051, USEPA (1994).*

To protect groundwater quality, the Permittee shall apply restrictions to the use of structural treatment BMPs which are designed to primarily function as infiltration devices (such as infiltration trenches and infiltration basins). Such restrictions shall ensure that the use of such infiltration structural treatment BMPs shall not cause or contribute to an exceedance of groundwater quality objectives. T a minimum, use of structural treatment BMPs which are designed to primarily function as infiltration devices shall meet the following conditions[1].

1. Urban runoff shall undergo pretreatment such as sedimentation or filtration prior to infiltration

2. All dry weather flows shall be diverted from infiltration devices.

3. Pollution prevention and source control BMPs shall be implemented at a level appropriate to protect groundwater quality at sites where infiltration structural treatment BMPs are to be used.

[1] These conditions do not apply to structural treatment BMPs which allow incidental infiltration and are not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.).

4. Infiltration structural treatment BMPs shall be adequately maintained so that they remove pollutants to the maximum extent practicable.

5. The vertical distance from the base of any infiltration structural treatment BMP to the seasonal high groundwater mark shall be at least 10 feet.

6. The soil through which infiltration is to occur shall have physical and chemical characteristics (such as appropriate cation exchange capacity, organic content, clay content, and infiltration rate) which are adequate for proper infiltration durations and treatment of urban runoff ~~for the protection~~ of groundwater beneficial uses.

7. Infiltration structural treatment BMPs shall not be used for areas of industrial activity or areas subject to high vehicular traffic (25,000 or greater average daily traffic (ADT) on main roadway or 15,000 or more ADT on any intersecting roadway); automotive repair shops; car washes; fleet storage areas (bus, truck, etc); nurseries; and other high threat to water quality land uses and activities as designated by the Permittee.

8. Infiltration structural BMPs shall be located a minimum of 100 feet horizontally from any water supply wells.

G. ALTERNATIVE CERTIFICATION FOR STORM WATER TREATMENT MITIGATION

In lieu of conducting a detailed BMP review to verify Structural or Treatment Control BMP adequacy, a Permittee may elect to accept a signed certification from a Civil Engineer or a Licensed Architect registered in the State of California, that the plan meets the criteria established herein. However, the Permittee remains responsible for compliance with the permit. Accordingly, the Permittee is encouraged to verify that certifying person(s) have been trained on BMP design for water quality, not more than two years prior to the signature date. Training conducted by an organization with storm water BMP design expertise (e.g., a University, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association) may be considered qualifying.

14. RESOURCES AND REFERENCE

TABLE 1

SUGGESTED RESOURCES	HOW TO GET A COPY
Start at the Source (1999) by Bay Area Stormwater Management Agencies Association Detailed discussion of permeable pavements and alternative driveway designs presented.	Bay Area Stormwater Management Agencies Association 2101 Webster Street Suite 500 Oakland, CA 510-286-1255
Design of Stormwater Filtering Systems (1996) by Richard A. Claytor and Thomas R. Schuler Presents detailed engineering guidance on ten different storm water-filtering systems.	Center for Watershed Protection 8391 Main Street Ellicott City, MD 21043 410-461-8323
Better Site Design: A Handbook for Changing Development Rules in Your Community (1998) Presents guidance for different model development alternatives.	Center for Watershed Protection 8391 Main Street Ellicott City, MD 21043 410-461-8323
Design Manual for Use of Bioretention in Stormwater Management (1993) Presents guidance for designing bioretention facilities.	Prince George's County Watershed Protection Branch 9400 Peppercorn Place, Suite 600 Landover, MD 20785
Operation, Maintenance and Management of Stormwater Management (1997) Provides a thorough look at stormwater practices including, planning and design considerations, programmatic and regulatory aspects, maintenance considerations, and costs.	Watershed Management Institute, Inc. 410 White Oak Drive Crawfordville, FL 32327 850-926-5310
California Storm Water Best Management Practices Handbooks (1993) for Construction Activity, Municipal, and Industrial/Commercial Presents a description of a large variety of Structural BMPs, Treatment Control, BMPs and Source Control BMPs	Los Angeles County Department of Public Works Cashiers Office 900 S. Fremont Avenue Alhambra, CA 91803 626-458-6959
Second Nature: Adapting LA's Landscape for Sustainable Living (1999) by Tree People Detailed discussion of BMP designs presented to conserve water, improve water quality, and achieve flood protection.	Tree People 12601 Mullholland Drive Beverly Hills, CA 90210 818-753-4600 (?)

TABLE 1 (Continued)

SUGGESTED RESOURCES	HOW TO GET A COPY
Florida Development Manual: A Guide to Sound Land and Water Management (1988) Presents detailed guidance for designing BMPs	Florida Department of the Environment 2600 Blairstone Road, Mail Station 3570 Tallahassee, FL 32399 850-921-9472
Stormwater Management in Washington State (1999) Vols. 1-5 Presents detailed guidance on BMP design for new development and construction.	Department of Printing State of Washington Department of Ecology P.O. Box 798 Olympia, WA 98507-0798 360-407-7529
Maryland Stormwater Design Manual (1999) Presents guidance for designing storm water BMPs	Maryland Department of the Environment 2500 Broening Highway Baltimore, MD 21224 410-631-3000
Texas Nonpoint Source Book – Online Module (1998) www.txnpsbook.org Presents BMP design and guidance information on-line	Texas Statewide Storm Water Quality Task Force North Central Texas Council of Governments 616 Six Flags Drive Arlington, TX 76005 817-695-9150
Urban Storm Drainage, Criteria Manual – Volume 3, Best Management Practices (1999) Presents guidance for designing BMPs	Urban Drainage and Flood Control District 2480 West 26th Avenue, Suite 156-B Denver, CO 80211 303-455-6277
Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters (1993) Report No. EPA–840-B-92-002. Provides an overview of, planning and design considerations, programmatic and regulatory aspects, maintenance considerations, and costs.	National Technical Information Service U.S. Department of Commerce Springfield, VA 22161 800-553-6847
National Stormwater Best Management Practices (BMP) Database, Version 1.0 Provides data on performance and evaluation of storm water BMPs	American Society of Civil Engineers 1801 Alexander Bell Drive Reston, VA 20191 703-296-6000
Caltrans Storm Water Quality Handbook: Planning and Design Staff Guide (Best Management Practices Handbooks (1998) Presents guidance for design of storm water BMPs	Presents guidance for design of storm water BMPs California Department of Transportation P.O. Box 942874 Sacramento, CA 94274-0001 916-653-2975

TABLE 2

EXAMPLE BEST MANAGEMENT PRACTICES (BMPs)

The following are examples of BMPs that can be used for minimizing the introduction of pollutants of concern that may result in significant impacts, generated from site runoff to the storm water conveyance system. (See Table 1: Suggested Resources for additional sources of information):

- Provide reduced width sidewalks and incorporate landscaped buffer areas between sidewalks and streets. However, sidewalk widths must still comply with regulations for the Americans with Disabilities Act and other life safety requirements.
- Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes; on-street parking; emergency, maintenance, and service vehicle access; sidewalks; and vegetated open channels.
- Comply with all zoning and applicable ordinances to minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Alternative turnarounds should be considered.
- Use permeable materials for private sidewalks, driveways, parking lots, or interior roadway surfaces (examples: hybrid lots, parking groves, permeable overflow parking, etc.).
- Use open space development that incorporates smaller lot sizes.
- Reduce building density.
- Comply with all zoning and applicable ordinances to reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together.
- Comply with all zoning and applicable ordinances to reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spillover parking areas.
- Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas, and avoid routing rooftop runoff to the roadway or the storm water conveyance system.
- Vegetated swales and strips
- Extended/dry detention basins
- Infiltration basin
- Infiltration trenches
- Wet ponds
- Constructed wetlands
- Oil/Water separators
- Catch basin inserts
- Continuous flow deflection/ separation systems
- Storm drain inserts
- Media filtration
- Bioretention facility
- Dry-wells
- Cisterns
- Foundation planting
- Catch basin screens
- Normal flow storage/ separation systems
- Clarifiers
- Filtration systems
- Primary waste water treatment systems

Definition of Terms

1. **Authorized Non-Storm Water Discharges** – Authorized non-storm water discharges are certain categories of discharges that are not composed of storm water but are not found to pose a threat to water quality. They include: water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR §35.2005(20)) to separate storm sewers; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water that is not reclaimed treated wastewater; springs; water from crawl space pumps; footing drains; lawn watering that is not reclaimed treated wastewater; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and discharges or flows from emergency fire fighting activities. If any of the ~~above authorized~~ non-storm water discharges (except flows from fire fighting activities) are found to cause or contribute to an exceedance of water quality standards or cause or threaten to cause a condition of nuisance or pollution, the category of discharge must be prohibited.

2. **Best Management Practices (BMPs)** – Best management practices means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of 'waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (40 CFR §122.2)

3. **Design Standards** – Design Standards are post-construction requirements to incorporate specific structural best management practices into construction projects. Design standards include, but are not limited to, such things as specifying an amount of runoff that must be retained on a site, and prohibiting the direct connection of truck wells in loading docks to the storm drain system.

4. **Maximum Extent Practicable (MEP)** - ~~MEP is the~~ acronym for Maximum Extent Practicable. MEP is the technology-based ~~standard established~~ by ~~Congress~~ in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve. MEP is generally a result of emphasizing pollution prevention and source control best management practices (BMPs) primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional line of defense). The MEP approach is an ever ~~evolving,~~ flexible and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does that which constitutes MEP. The way in which MEP is met varies between communities. The individual and collective activities elucidated in their Storm Water Management Program becomes their proposal for reducing or eliminating pollutants in storm water to the MEP.

5. **Measurable Goal** – Measurable goals or Performance Standards, are definable tasks or accomplishments that are associated with implementing best management practices.

6. **Minimum Control Measure** – A minimum control measure is a storm water program area that must be addressed (best management practices implemented to accomplish the program goal) by all regulated Small MS4s. The following six minimum control measures are required to be addressed by the regulated Small MS4s: Public Education and Outreach on storm Water Impacts, Public Involvement/Participation, Illicit Discharge Detection and Elimination, construction Site

Storm Water Runoff Control, Post-Construction Storm Water Management in New Development and Redevelopment, and Pollution Prevention/Good Housekeeping for Municipal Operations.

7. **Offsite Facility** - An offsite facility is a geographically non-adjacent or discontinuous site that is a result of, or secondary to the primary facility, that is, if the primary facility did not exist, neither would the offsite facility. An offsite facility may be included in the permit area of the primary facility and only one NOI must be submitted. The SWMP of the primary facility must clearly state that the offsite facility exists and describe necessary BMPs to be implemented at the offsite facility.

8. **Outfall** – 40 CFR §122.26(b)(9) defined outfall as a point source at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

9. **Point Source** – 40 CFR §122.2 defines point source as any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

10. **Performance Standards** – Performance Standards are the level of implementation necessary to demonstrate the control of pollutants in storm water to MEP

11. **Regulated Small MS4** – A regulated Small MS4 is a Small MS4 that is required to be permitted for discharging storm water through its MS4 to waters of the U.S. and is designated either automatically by the U.S. EPA because it is located within an urbanized area, or designated by the SWRCB or RWQCB.

12. **Small Municipal Separate Storm Sewer System (Small MS4)** – Means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are:
    (i) Owned or operated by the United States, a State, city, town, boroughs, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
    (ii) Not defined as "large" or "medium" municipal separate storm sewer systems
    (iii) This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

13. **Separate Implementing Entity (SIE)** – A Separate Implementing Entity is an entity, such as a municipality, agency, or special district, other than the entity in question, that implements parts or all of a storm water program for a Permittee. The SIE may also be permitted under 40 CFR Part

122. Arrangements of one entity implementing a program for another entity is subject for approval by the Regional Water Quality Control Board Executive Officer, or designee.

14. **Significant Redevelopment** - Significant Redevelopment means land-disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality control requirements, the entire project must be mitigated. Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post development storm water quality Design Standards, only the alteration must be mitigated, and not the entire development. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Existing single-family structures are exempt from the Redevelopment requirements.

15. **Waters of the State** – Waters of the state is defined at §13050(e) of the Porter-Cologne Water Quality control Act as any surface water or groundwater, including saline waters, within the boundaries of the state.

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